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PROCEEDINGS

OF THE

TRAVANCORE

SRI CHITRA STATE COUNCIL

Vol. IX

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1938

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TO THE

TRAVANCORE SRI CHITRA STATE COUNCIL.

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PROCEEDINGS

of

THE TRAVANCORE SRI CHITRA STATE COUNCIL.

(*OFFICIAL REPORT.*)

FIRST COUNCIL.

VOLUME IX—NUMBER 1.

NINTH SESSION—1936/1112.

Monday, the 7th December, 1936/22nd Vrischikam, 1112.

The Council met in the Victoria Jubilee Town Hall at Eleven of the Clock.

Mr. V. S. Arumukham Pillai, after announcing to the House that Mr. K. N. Kesavan Namputiripad and himself have been nominated to the Panel of Chairmen, took the Chair.

President: I, C. P. Ramaswami Aiyar, Ex-officio President of this Council, solemnly affirm that I will be faithful and loyal to His Highness the Maharaja of Travancore, and to His Majesty the King, Emperor of India, and to their heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter.

The President then signed the rolls and took the Chair.

MEMBERS SWORN.

The following members took the oath and signed the Rolls :—

1. Mr. C. V. Chandrasekharan, M. A., (Oxon) F. R. H. S., (Director of Public Instruction.)
2. Mr. K. George, B. A., (Land Revenue and Income Tax Commissioner.)
3. Rao Bahadur Rajyasevanirata N. Kunjan Pillai, M. A., B. SC., Ph. D. (Chief Secretary to Government.)
4. Mr. C. O. Madhavan, B. A., B. L., (Excise Commissioner).
5. Mr. K. Madhava Kurup, M. A. (Ag. Secretary to Government).
6. Mr. K. R. Narayana Aiyar, B. A., M. SC. (New Jersey, U. S. A.) F. C. S. (Director of Agriculture and Fisheries).

G P. T. 1836. 350. 2-7-112.

7. Mr. Kayalam Paramesvaran Pillai, B. A., B. L., (Additional Head Sirkar Vakil.)
8. Mr. K. Paramesvara Panickar, B. A., B. L., (Ag. Secretary to Government).
9. Rao Bahadur A. Rangaswami Aiyar, B. A., (Financial Secretary to Government).
10. Mr. James Simpson, M. B. Ch. B. (Durbar Physician).

QUESTIONS AND ANSWERS.

Recruitment of Munsiffs.

1. ***Mr. E. P. Varghese** (*Nominated*): Will the Government be pleased to state:

(*a*) whether the communal rotation adopted by the High Court in the recruitment of Munsiffs has been given up;

(*b*) how long was the system in vogue;

(*c*) the cast-war list of Munsiffs appointed since that system was adopted; and

(*d*) the reasons for giving up that system?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai:

(*a*) Yes.

(*b*) Since 1105 M. E.

(*c*) *A statement showing the information required is laid on the table.

(*d*) Because it is contrary to the spirit of recruitment to the higher division of the public service as sanctioned in the Public Service Recruitment G. O. R. Dis. No. 893/Genl., dated the 25th June 1935.

Mr. E. P. Varghese: With reference to the answer to part (*d*), may I know whether the recruitment of Munsiffs is brought under the Public Service Commissioner?

Rao Bahadur Rajyasevanirta Dr. N. Kunjan Pillai: The recruitment of Munsiffs is not made by the Public Service Commissioner but by the High Court.

Mr. E. P. Varghese: May I know whether the Public Service Commissioner's rules apply to the recruitment of Munsiffs?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: The recruitment of Munsiffs is made on the basis of the rules relating to Public Service Recruitment.

Mr. Komilezhathu Sankaran (*Nominated*): With reference to the answer to part (*c*), may I know whether any Ezhava has been appointed as Munsiff since 1094 and before 1105?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: I claim notice.

**Vide* appendix I—page 12.

Mr. G. Narayana Aiyer (*Kunnatnad* cum *Parur*): May I know what is the guiding principle that is followed since 1105 for the appointment of Munsiffs?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: Communal rotation which has now been discontinued.

Mr. G. Narayana Aiyar: May I know what is the principle now followed?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: It is explained in the Public Service Recruitment Rules.

Applications for release of Mr. C. Kesavan from jail.

2. ***Mr. J. John Kattakayam** (*Muvattupuzha* cum *Toduputha*): Will the Government be pleased to state whether they have received any applications for releasing Mr. C. Kesavan who has been convicted of treason and punished by the High Court?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: The Government have received no application from Mr. C. Kesavan for release. They have received suggestions from others for his release.

List, by caste, of judicial officers.

3. ***Mr. E. P. Varghese**: Will the Government be pleased to lay on the table a caste-war list of the judicial officers now (18-3-1112) in the service?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: The required † list is laid on the table.

Irregularities in the Central Jail.

4. ***Mr. J. John Kattakayam**: Will the Government be pleased to state:

(*a*) whether food materials brought in unauthorisedly from outside have been found and taken from the room of Mr. C. Kesavan in the Central Jail;

(*b*) how, when and by whom the above articles were brought into without permission;

(*c*) whether those responsible for the irregularity have been awarded exemplary punishment; and

(*d*) if so, the names of those punished and the nature of the punishment meted out?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai:

(*a*) Yes.

(*b*) Mr. Kesavan admitted that he received the articles through warders whose identity he refused to disclose. The articles were found in Mr. Kesavan's room on the 10th Edavam 1111 by the Deputy Jailor.

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† *Vide* appendix II – page 13

[Rao Bahadur Rajyasevaniratha Dr. N. Kunjan Pillai.]

(*c*) & (*d*) The warders on duty *viz.*, C. Velu and B. Sankara Pillai, being only acting hands, were discharged.

Representations re the change of tharam of certain kayal lands.

5. **Mr. K. Padmanabha Panickar** (*Ambalapuzha*): Will the Government be pleased to state whether they have received any representations from the *kayal* cultivators for the conversion of certain *kayal* lands in the Vembanad reclamation area from the 12th to 13th *tharam*, and, if so, the action taken on the representations?

Mr. K. George: Yes; they were all duly considered and rejected.

Remuneration for conducting Mr. C. Kesavan's Case.

6. ***Mr. J. John Kattakayam**: Will the Government be pleased to state:

(*a*) the amount fixed as remuneration to the vakil who conducted Mr. C. Kesavan's case;

(*b*) whether that remuneration was subsequently increased, and if so, by how much; and

(c) the reason therefor?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai:

(*a*) Rs. 1,500.

(*b*) Yes, by Rs. 500.

(*c*) Rs. 1,500 was sanctioned in connection with defence of the appeal filed by Mr. C. Kesavan. The additional amount was sanctioned for arguing the Revision Petition filed on behalf of Government in the above case.

Mr. K. P. Nilakanta Pillai (*Chirayinkil* cum *Nedumangad*): May I know why the Government felt the necessity for appointing a special prosecutor for conducting this case?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: It was not the first time that the Government appointed special prosecutors. On previous occasions also when Government found it necessary to appoint special prosecutors they did so. In this particular case Government thought it necessary to appoint a special prosecutor.

Mr. K. P. Nilakanta Pillai: May I know whether the Head Sirkar Vakil's Department made any representation to Government that they are not competent to handle this case?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: The correspondence between the officers and the Government is confidential.

Mr. K. P. Nilakanta Pillai: May I know at least the reason that weighed with Government for appointing the special prosecutor ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai Sir, I have said already that the Government thought it necessary in this particular case as they thought it necessary in some other case also, to appoint a special prosecutor.

List, by caste, of Stationary Magistrates, etc.

7 ‡**Mr. E. P. Varghese:** Will the Government be pleased to lay on the table a caste-war list of the Stationary Magistrates, Assistant Peishkars and Peishkars ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: The *list is placed on the table.

Mr. E. P. Varghese: May I know, whether Stationary Magistrates are recruited only from the Secretariat and the Land Revenue Commissioner's Office ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: No. Sometimes they are recruited from the Account Office and other Departments also.

Mr. E. P. Varghese: May I know whether there is any Latin Christian in the Secretariat now ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: I believe there is one.

Mr. E. P. Varghese: What is his post ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai I claim notice.

Mr. E. P. Varghese: Is he a graduate ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: I claim notice. I have to look into his service book.

Mr. Komilezhathu Sankaran: May I know whether any Hindu Nadar has been appointed as Magistrate ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: I claim notice. I have to dig into past records to answer this question.

Mr. Komilezhathu Sankaran: May I know whether any Hindu Nadar has been appointed as Magistrate for the last 12 or 15 years ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: I claim notice.

Mr. Komilezhathu Sankaran: May I know whether there has been any Hindu Nadar eligible for a Magistrate's place ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: I have not examined the qualifications and services of all Hindu Nadars in the State.

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‡*Vide* appendix III—page 14.

Correspondence re the Giriyar between the Madras and Travancore Governments.

8 ***Mr. J. John Kattakayam** : Will the Government be pleased to state :

(*a*) whether the people of Ramanad and Tinnevelly Districts have requested their Collectors to divert the water of the Giriyar river which originates from the Agastiakootam Hills, by opening a tunnel, 9000 ft. in length through the Western Ghats, so as to afford facilities for the supply of water to certain parts of these districts ;

(*b*) whether the Madras Government have, at any time, consulted the Travancore Government about this project ; and

(*c*) whether the Travancore Government have given a reply that the question of generating electricity with the help of water falls is under consideration and that before the necessary spots are selected for the purpose no final reply could be given in regard to the Giriyar ?

Mr. K. Madhava Kurup : (*a*) Government are not aware.

(*b*) Yes.

(*c*) No such reply has been given.

Mr. J. John Kattakayam: മദ്രാസ് ഗവൎമ്മെൻറും തിരുവിതാംകൂർ ഗവണ്മെൻറുംകൂടി ആലോചന നടത്തി എന്നുപറയുന്നു. ആ ആലോചനക്കു ഗവൺമെൻറു നൽകിയ മറുപടി എന്താണെന്നു പറയാമോ?

Mr. K. Madhava Kurup : The Mardas Government subsequently stated that they had dropped the scheme.

Mr. J. John Kattakayam : സാധാരണ ഞാൻ ചോദിക്കുന്ന ചോദ്യങ്ങൾക്കൊക്കെ മലയാളത്തിലാണ് ഉത്തരം പറയാറ്.

President : The honourable member will perhaps answer it in Malayalam.

Mr. K. Madhava Kurup : പിന്നീട് ആ സ്കീം വേണ്ടെന്നാണ് മദിരാശി ഗവണ്മെൻറു തീർച്ചയാക്കിയത്.

Mr. J. John Kattakayam : അങ്ങനെ മദ്രാസ് ഗവണ്മെൻറു തീർച്ചയാക്കിയോ, നമ്മുടെ ഗവണ്മെൻറു തീർച്ചയാക്കിയോ?

Mr. K. Madhava Kurup : മദിരാശി ഗവണ്മെൻറു തീർച്ചയാക്കി.

President : Order, order. Two members should not be standing up at the same time.

Mr. J. John Kattakayam: ഇതിന്റെ പ്രാരംഭാലോചന മദ്രാസ് ഗവണ്മെൻറിൽ നിന്നാണോ അതോ നമ്മുടെ ഗവണ്മെൻറിൽ നിന്നാണോ നടത്തിയതു്?

Mr. K. Madhava Kurup: മദിരാശി ഗവണ്മെൻറിൽ നിന്നാണു്.

Mr. J. John Kattakayam: അങ്ങിനെ മദ്രാസ് ഗവണ്മെൻറിൽനിന്നും ആവശ്യപ്പെട്ടതിനുശേഷം അവർതന്നെ അതുവേണ്ടെന്നു വയ്ക്കാനുള്ള കാരണമെന്താണു്?

Mr. K. Madhava Kurup: അറിഞ്ഞുകൂടാ. അതു മദിരാശി ഗവണ്മെൻറിന്റെ കാര്യമാണു്.

List, by caste, of Secretariat staff.

9. *** Mr. E. P. Varghese**: Will the Government be pleased to state a caste-war list of the staff of the Huzur Secretariat, excluding the employees in the lower grade of the public service?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: A * statement of the staff belonging to the superior service is laid on the table.

Mr. E. P. Varghese: With reference to item No. 4 of the appendix may I know the post of the single Latin Catholic?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: I believe he is a clerk.

Mr. E. P. Varghese: May I know whether he is a graduate?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: I cannot answer that question now. I claim notice.

Plague at Alleppey.

10. ***Mr. J. John Kattakayam**: Will the Government be pleased to state:

(*a*) the arrangements made by them for the prevention of the plague epidemic;

(*b*) whether this disease has spread from Alleppey to other places;

(*c*) the number of deaths due to plague;

(*d*) how many were cured of the said disease;

(*e*) the amounts spent by them for the prevention of the outbreak of plague; and

(*f*) the measures now adopted for the destruction of rats?

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* Vide Appendix IV—page 14.

Mr. K. Paramesvara Panickar : (*a*) Isolation and treatment of patients at the plague hospital, evacuation of the Market Ward of the town and destruction of the huts there, disinfection of all infected premises as well as all places used for storage of rice and other grains, destruction of rats and fumigation of rat-holes, inoculation, improvements to the sanitary arrangements in the town, particularly to the disposal of rubbish and nightsoil, education of the public on plague prevention by means of newspaper articles, pamphlets and lantern lectures and the opening of plague observation stations at all the inland exits from the town of Alleppey for disinfecting all grain and other goods likely to harbour rats and fleas passing out of Alleppey.

(*b*) No.

(*c*) Twenty six.

(*d*) Three.

(*e*) Rs. 20,145-2-5 from the general revenues and Rs. 5,210-10-8 from the municipal revenues of Alleppey up to the end of Kanni 1112.

(*f*) Tapping, cyanogasing of rat holes and offering rewards at the rate of one chackram per rat for all rats dead or alive produced before the Special Plague Officer.

Mr. S. Piraviperumal Pillai (*Commerce and Industry South*): With reference to the answer to part (*f*), may I know why cats were not resorted to? (*Laughter*)

Mr. K. Paramesvara Panickar : It is not possible for Government to answer that question.

Mr. S. Piraviperumal Pillai : May I know from Government whether they are aware that an amount was sanctioned by the Police Commissioner to destroy cats that damaged their uniforms?

Mr. K. Paramesvara Panickar: I claim notice, Sir.

Increase of pay of Arabic Munshis

11. *Mr. J. John Kattakayam: Will the Government be pleased to state whether they have issued any circular to the school authorities, calling for their objections, if any, to grant the prayer of Arabic Munshis in Vernacular schools for an increased scale of pay of Rs. 20-25 as is now being given to Sanskrit Munshis?

Mr. C. V. Chandrasekharan: The answer is in the negative.

Mr. J. John Kattakayam : സംസ്കൃത മുൻഷിമാരെപ്പോലെതന്നെ അറബി മുൻഷിമാർക്കു ൨൦ രൂപാമുതൽ ൨൫ രൂപാവരെ ശമ്പളം കൊടുക്കണമെന്നുള്ളതിനെപ്പററി വല്ല ആലോചനയുമുണ്ടായിരുന്നുവോ?

Mr. C. V. Chandrasekharan: ഉണ്ടായിരുന്നതു്.

Mr. J. John Kattakayam: അതിനെ സംബന്ധിച്ച് എന്തെല്ലാം എഴുത്തുകുത്തുകളാണു് നടന്നിട്ടുള്ളതെന്നു മെമ്പർക്കു പറയാമോ?

Mr. C. V. Chandrasekharan: ഡിവിഷനൽ ഇൻസ്പെക്ടർമാരുടെയ അഭിപ്രായങ്ങളിന്മേൽ ഒരു വിചാരണ നടത്തപ്പെട്ടതു്.

Mr. J. John Kattakayam: ഡിവിഷനൽ ഇൻസ്പെക്ടർമാരുടെ അഭിപ്രായമെന്താണെന്നു മെമ്പർക്കു പറയാമോ?

Mr. C. V. Chandrasekharan: സംസ്കൃത മുൻഷിമാർക്കു കൊടുക്കുന്നതുപോലെ അറബി മുൻഷിമാർക്ക് ശമ്പളം കൊടുക്കുന്നതു് അനാവശ്യം എന്നാകും.

Punja loans from 1107 to 1110.

12. * **Mr. K. Padmanabha Panickar**: Will the Government be pleased to state the total *punja* loans distributed to the ryots during the years 1107 to 1110, the amount that has been repaid and the balance outstanding up to the end of Kanni 1112?

Mr. K. George:

Special loans advanced from 1107 to 1110.	Amount recovered till the close of Kanni 1112.	Balance.
Rs. Ch. C	Rs. Ch. C.	Rs. Ch. C.
1,99,553 26 13	1,11,582 5 1	87,971 21 12

Mr. M. N. Narayana Menon (*Kottayam*): ൧൧൧൨-ാമാണ്ടത്തേക്ക് ലോൺ കൊടുക്കുന്നതിനെ സംബന്ധിച്ച് വല്ല ആലോചനയുമുണ്ടോ?

Mr. K. George: അതിനെസംബന്ധിച്ചുള്ള സംഗതി എഴുത്തുകുത്തിലിരിക്കുന്നു.

Mr. M. N. Narayana Menon: ലോൺ എന്നാണു് കൊടുക്കേണ്ടതെന്നറിയാമോ?

Mr. K. George: വൃശ്ചികം, ധനു, ഈ മാസങ്ങളിലാണു്.

Mr. M. N. Narayana Menon: ഇതു് ഏതു്മാസമാണെന്നു മെമ്പർക്കറിയാമോ?

Mr. K. George: അതു് മെമ്പർക്കും അറിയാമല്ലോ.

Mr. M. N. Narayana Menon: വൃശ്ചികം അവസാനിച്ചില്ലേ?

Mr. K. George: ഇല്ല.

Mr. M. N. Narayana Menon: അവസാനിക്കാൻ ഇനി എത്രദിവസമുണ്ട്?

Mr. K. George: എട്ട് പത്ത് ദിവസംകൂടി ഉണ്ട്.

Mr. M. N. Narayana Menon: പുഞ്ചകൃഷി സാധാരണ ഇറക്കുന്നത് എപ്പോഴാണെന്നറിയാമോ?

Mr. K. George: അതാണ് ഞാൻ പറഞ്ഞത്. വൃശ്ചികത്തിലാണെന്ന്, അതിനുള്ള പ്രാരംഭനടപടികൾ എല്ലാം നടത്തിവരുന്നു.

Mr. J. John Kattakayam: ഈ ലോൺ ഇപ്പോഴുംതന്നെ കൊടുക്കാൻ ഏർപ്പാടുചെയ്യുമോ?

Mr. K. George: Sir, it is a question of future action.

President: I can follow Malayalam. So the official member may answer in Malayalam.

Mr. K. George: അത് ഗവണ്മെൻറ് മേൽചെയ്യേണ്ട ഒരു സംഗതിയെപ്പററിയുള്ള ചോദ്യമാണ്. അതിനു മറുപടി പറയുവാൻ നിവൃത്തിയില്ല.

Mr. J. John Kattakayam: പുഞ്ചകൃഷി ഇറക്കേണ്ട സമയം തുലോം സന്നിഹിതമായിരിക്കുന്ന ഈ സമയത്ത് അതിൻെറ പ്രാരംഭജോലി ചെയ്യത്തക്കവണ്ണം വായ്പ ഗവണ്മെൻറിൽനിന്നും കൊടുക്കാതെ മററുവല്ല സമയത്തും കൊടുത്തതുകൊണ്ട് എന്ത് ഗുണമാണുള്ളത്?

Mr. K. George: ലോൺ കൊടുക്കാൻ ഇനി അധികം താമസംവരികയില്ല.

Mr. J. John Kattakayam: എത്രദിവസം താമസിക്കുമെന്നു ഉദ്ദേശമായിട്ടെങ്കിലും പറയാമോ?

Mr. K. George: അധികം താമസിക്കയില്ല.

Mr. J. John Kattakayam: ഉദ്ദേശമായിട്ടെങ്കിലും പറയാമോ?

Mr. K. George: അത് നിശ്ചയമല്ല.

Admission of students into the College classes.

13. *** Mr. J. John Kattakayam:** Will the Government be pleased to state:

(*a*) whether the college authorities have resolved not to admit into the college classes students who have failed thrice;

(*b*) whether the authorities have received complaints against this; and

(*c*) whether the Government have issued any final order on the complaints?

Mr. C. V. Chandrasekharan : (*a*) Those who failed more than twice in the English School Leaving Certificate Examination and those who appeared more than three times of the Intermediate Examination are not ordinarily admitted to college classes.

(*b*) Yes.

(*c*) Yes.

Mr. J. John Kattakayam : ഇപ്പോൾ പാസാക്കീട്ടുള്ള ഉത്തരവു പ്രവേശനം വേണമെന്നാഗ്രഹിക്കുന്നവക്ക് അനുകൂലമോ പ്രതികൂലമോ?

Mr. C. V. Chandrasekharan : കൊഞ്ചം അനുകൂലവും കൊഞ്ചം പ്രതികൂലവും.

Mr. J. John Kattakayam : അനുകൂലമായിട്ടുള്ളത് ഏതെല്ലാമാണ്?

Mr. C. V. Chandrasekharan : ഇന്ത ചട്ടങ്ങളെയെല്ലാം കൊഞ്ചം ദാക്ഷിണ്യമാക അനുസരിപ്പിക്കിറതുക്ക ഗവണ്മെൻറാർ ഉത്തരവുചെയ്തത് അനുകൂലം.

Mr. J. John Kattakayam : പ്രതികൂലമായിട്ടുള്ളവ ഏതെല്ലാമാണ്?

Mr. C. V. Chandrasekharan : മൂന്നുവരുഷം പരീക്ഷയിൽ തോററവർകളുക്ക് കാളേജിലെ അഡ്മിഷൻ കൊടുക്കക്കൂടാതു് എൻറ ഗവണ്മെൻറിനുടയ അഭിപ്രായം പ്രതികൂലം.

Mr. J. John Kattakayam: അവസാന ഉത്തരവ് പാസായത് മെമ്പറിൻെറ അഭിപ്രായം അനുസരിച്ചാണോ അതോ ഗവണ്മെൻറിൻെറ അഭിപ്രായമനുസരിച്ചാണോ?

Mr. C. V. Chandrasekharan : ഗവണ്മെൻറിനുടയ അഭിപ്രായമെൻറാക്കും നാൻ ചൊന്നതു്.

Relatives of officers employed in the public service.

14. *** Mr. E. P. Varghese :** Will the Government be pleased to state:

(*a*) the post held and the salary drawn per mensem by the sons and nephews of officers drawing a salary of Rs. 500 or more per mensem now in Travancore Public Service ; and

(*b*) the date of their first appointment and their initial salary ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai:

(*a*) and (*b*) The answer to this question involves an amount of investigation and inquisitional proceedings which it is not in public interest to embark upon.

Water Supply at Alleppey.

15. ***Mr. J. John Kattakayam**: Will the Government be pleased to state:

(*a*) whether a well has been sunk at Panappara for the supply of pure water to alleppey;

(*b*) whether it would be possible to supply sufficient quantity of pure water from it for the town; and

(*c*) the time required for the completion of the work?

Mr. K. Madhava Kurup: (*a*) Yes.

(*b*) Yes.

(*c*) If all goes well, it is hoped to inaugurate the water supply to the town in about fifteen months from the date of actual commencement of the construction of the project.

Appendix I.

***Vide* Answer to Question No. 1.**

Caste-war statement showing the appointments of Munsiffs from the Bar since 1105.

A. *Hindu*:			
	1	Brahmin ...	3
	2	Nair ...	4
	3	Other caste Hindu ...	2
	4	Kammala ...	Nil.
	5	Nadar ...	Nil.
	6	Ezhava ...	2
	7	Cheramar (Pulaya) ...	Nil.
	8	Other Hindu ...	Nil.
B. *Muslim*.		...	1
C. *Christian*.			
	1	Jacobite ...	1
	2	Marthomite ...	Nil.
	3	Syriac Catholic ...	1
	4	Latin Catholic ...	1
	5	South India United Church ...	Nil.
	6	Other Christian ...	1
			16

Appendix II.

Vide Answer to Question No. 3.

Caste-war statement showing the number of Judicial Officers in service now (13-3-1112).

Classification of communities	High Court Judges	District Judges.	Second Judges.	Munsiffs.
A. *Hindu.*				
1. Brahmin ...	3	2	...	10
2. Nayar ...	1	2	1	14
3. Other caste Hindu ...	...	...	2	4
4. Kammala ...	...	...	...	...
5. Nadar ...	...	...	...	...
6. Ezhava ...	...	...	1	2
7. Cheramar (Pulaya) ...	...	...	...	...
8. Other Hindu ...	...	...	...	...
B. *Muslim.* ...	...	...	1	1
C. *Christian*				
1. Jacobite ...	...	1	1	2
2. Marthomite ...	1	...	1	1
3. Syriac Catholic ...	1	...	1	1
4. Latin Catholic ...	...	1	...	1
5. South Indian United Church ...	...	...	1	3
6. Other Christian ...	...	...	...	1
Total ...	6	6	9	40

Appendix III.

Vide Answer to Question No. 7.

Caste-war statement of Stationary Magistrates, Assistant Peishkars and Peishkars.

Caste.		Stationary Magistrates	Assistant Peishkars	Peishkars.
Hindu—Brahmin	...	3	3	1
Nayar	...	8	2	1
Other caste Hindu	...	1	...	...
Kammala	..	...	...	...
Nadar	...	...	...	...
Ezhava	...	...	...	...
Cheramar	...	...	...	..
Other Hindu	..	...	...	...
Muslim	...	2	...	...
Christian—Jacobite	...	1	...	1
Marthomite	...	1	1	...
Syriac Catholic	...	...	..	1
South Indian United Church	...	2	...	...
Other Christian	...	...	1	...
Total	...	18	7	4

Appendix IV.

Vide Answer to Question No. 9.

Statement, by caste, of the staff of the Huzur Secretariat.

Caste.	*Permanent.*	*Acting.*
Hindu :		
Brahmin	50	11
Nayar	59	13
Other caste Hindu	28	1
Kammala	,,	1
Nadar	1	,,
Ezhava	10	2
Cheramar	,,	,,
Other Hindu	5	3
Muslim	7	1
Christian :		
Jacobite	5	3
Marthomite	8	4
Syriac Catholic	2	1
Latin Catholic	1	,,
South India United Church	4	1
Other Christian	2	1

President: I think it is due to this honourable House that I should mention that I have received a number of questions specifically relating to particular individuals who have either actually applied for or are supposed to have applied for certain posts under Government. For instance, one question asks for the names of the non-official gentlemen who have applied for certain posts under Government. I have been obliged to disallow those questions, not out of any want of courtesy to the honourable members of this House or out of any desire to restrict the rights of this House which I am jealous to preserve, but for the reason that these questions are sure to cause embarrassment to the parties concerned, inasmuch as no person, who has applied for an appointment and has for the time being not succeeded in getting it, would like to have his name discussed on the floor of this House. Very often, it goes very much against him in his future career. For that reason, and also because it is not in public interests that these questions and answers are made on the floor of this House, I have been obliged to disallow them.

There are also certain other questions regarding the claims of certain individuals, mentioned by name, to certain offices. I have been obliged to disallow those questions also. I may say that it is in the highest degree likely that gentlemen, who recommended themselves to the notice of the Government either on the floor of this House or otherwise, may find even their just and legitimate claims overlooked for the very reason that they have utilised such means. Therefore, in the interests of all officers concerned, and in the interests of general administration, I have felt obliged to disallow such questions. I trust that the convention which I am seeking to establish will be accepted in the spirit in which am trying to enforce it upon the honourable memeers of this House with whom I am anxious to work in the fullest possible co-operation.

NOTICE OF THE MOTION FOR ABJOURNMENT.

I have received from Mr. **Arumukham** Pillai notice of a motion for adjournment. Under Rule 22 I shall **read the statement**:

> " I beg to move for an adjournment of the business of this Council for the purpose of discussing a definite matter of urgent public importance, *viz*., the grievances of the landholders in Nanjinad arising out of the recent order of the Government denying full remission of land tax including water cess in respect of lands left fallow during the Kanni crop of 1111."

Under that Rule I am to ask if any objection is taken on the motion.

Mr. K. George: I object to that motion.

President: As objection has been taken I ask those who are for leave being granted to move the motion to rise in their places.

As more than eight members have risen in their places, I allow the motion and I fix Wednesday, 3-30 P. M. for the discussion of this motion.

MOTION FOR OFFERING BIRTHDAY GREETINGS AND EXPRESSING GRATITUDE TO HIS HIGHNESS THE MAHARAJA FOR ALLOWING TEMPLE ENTRY TO ALL CLASSES OF HINDUS.

Mr. S. Piraviperumal Pillai: Sir, I thank you very much for having kindly accorded me permission to table this motion. To tell you frankly, Sir, I consider myself very fortunate in that the privilege of moving the motion expressing the sentiments of loyalty and gratefulness to our beloved Maharaja, on this historic occasion, has fallen to my lot. I say fortunate for nothing can give greater happiness to a loyal representative of the people than giving expression to their true sentiments for a Sovereign who lives for the people and whose sole aim is to promote the happiness and contentment of the five million people entrusted to his care by Providence.

His most Gracious Highness has completed his twenty-fourth birthday just a couple of weeks ago and is now in the fifth year of his august reign. With your intimate knowledge of the Rulers of almost all the Native States from Peshawar to Cape Comorin, I am sure, Sir, you would not have come across one who in so young an age and so short a period of his reign has done so much for his people. History does not record the name of any King in India who has, during the last thousand years, done an act equal to the recent Royal Proclamation, to unify Hindu India. His Highness has by this act not only made the five million people whom Providence has entrusted to his care happier and prouder but has also laid the whole of India under a deep debt of gratitude to him. To be brief, His Highness has provided a solution to a problem which the greatest man now living is dying for. In short, Sir, if I may borrow an expression from what you said the other day, 'His Highness has ranged himself by the side of the great helpers of humanity who have raised the selfrespect and elevated the status of the masses of this country.

Is it therefore, any matter for wonderment, Sir, that the wires have been daily flashing news to us of the several meetings held in various places throughout the length and breadth of this vast continent where leaders of thought and opinion have been

passing resolutions expressing their feelings of profound gratefulness to our beloved Maharaja. The fact that for the first time in the annals of the History of India has a resolution been passed by the people outside the territory of any Ruler of a Native State for erecting a statue to that Ruler will itself indicate the magnitude of this epochmaking action.

Sir, forty years ago, in the sacred and immortal Kural of Saint Thiruvalluvar I read the couplet, "குடிதழீஇக்கோலோச்சு மாநில மன்னனடிதழீஇநிற்குமுலகு" which means that the whole world will always cling to thefeet of a Ruler whosways his sceptre with a fostering care for his subjects. I was under the impression, Sir, till now that this couplet was uttered by that great Tamil Saint to serve as an ideal for a Sovereign and that it was not easy of attainment. But the huge monster meeting, the enthusiasm and the genuine love that beamed forth on the face of one and all present there, the sea of heads that followed the procession to the Palace, the fact that to-day Travancore is the focus of attention of the whole world, the innumerable greetings and congratulations from India and outside and the resolutions for erecting statues of His Gracious Highness in Travancore and outside evidence the unmistakable fact that His Gracious Highness Sri Chitra Thirunal Maharaja has achieved this ideal. May he therefore live long is the fervent and united prayer of his most loyal and loving subjects.

In this connection I am afraid, Sir, I will be failing in my duty if I do not avail myself of this opportunity to express our homage to Her Gracious Highness the Maha Rani as well, for the valuable services rendered by Her Highness for this noble cause. Fifteen years ago, in a speech delivered at Tinnevelly, Her Highness evinced her keen desire to ameliorate the conditions of humanity by eradicating all differences caused on account of birth. The equal treatment accorded to one and all invited irrespective of caste or creed during the Pallikettu ceremony of Her Highness the First Princess is but a translation of Her Highness' genuine sympathy and love. The noble instincts, the high aspirations and the dynamic energy of Her Highness have contributed not a little to bring about this golden era inaugurated by the Royal Proclamation. Therefore, Sir, I once more reiterate that I will be failing in my duty if I do not seize this opportunity to offer our homage to Her Highness on this happy occasion. May God bless Her Highness with long life.

Sir, we will not be true to ourselves if we do not tender our heartiest thanks to you too.

[Mr. S. Piraviperumal Pillai.]

To you, therefore, Sir, I offer our most sincere welcome. This very House, but for which we might not have had a floor to stand up and speak owes its existence to you. Your inspiring personality, your versatile genius and your electrical energy have won for you rare distinctions.

If at the very start you exhibited your talents and acumen as an astute lawyer in the famous Krishnamurthi case, you have in no small measure displayed your shrewdness as an administrator and statesman in the planning and construction of the various public utility schemes such as the Mettur Project and the Pykara Hydro Electric scheme; if the speech delivered by you near the Spur tank at Mylapore on the eve of the general elections consequent on the Montague Chemsford Reforms had shown your courage and conviction surely, Sir, by your achievements in the various Legislatures, you have expressed your powers as an ardent and skilful debater ; if your indefatigable work as Secretary to the Home Rule League during the internment of Mrs. Besant has displayed your love for Mother India, certainly your endeavours in the Round Table Conferences and those at the League of Nations have made you the shining star, you are, in the political firmament. Even before you became our Dewan you have shown your interest for Travancore by making the Government of India accept the view that there is no legal obligation on our part to invest a sum of nearly two crores of rupees on rotten pieces of iron dumped between Shencotta and Quilon. Again you have now as Dewan shown your genuine love for the people of this State by taking up the responsibility of advising His Gracious Highness to remove all restrictions hitherto placed in the matter of worshipping in temples for Hindus.

Then, Sir, cannot Travancore consider exceptionally fortunate in having been able to secure such an eminent statesman to control her destinies at this juncture when the question of Federation is looming large on the political horizon of India ? Travancore, as a maritime State, with her expanding customs revenue, with her increasing population and steady growth in literacy, with her ever increasing demand for a progressive administrative machinery has to safeguard her peculiar rights before she casts her lot with the All-India Federation. Will it be too much for us to expect, from such an illustrious Dewan that our rights will be vehemently championed and properly safeguarded in the discussions that are now in progress with His Excellency's representatives. May I take this opportunity to assure you, Sir, that Travancore will, with singular unanimity, stand by you in your endeavours in this course. Praying

Almighty to give you a long lease of life and strength to continue your services, may I request you to kindly accept our hearty congratulations for the Royal recognition of your valuable services by conferring on you the title of *Suchivottama*. With these words I move that:—

"While respectfully tendering its loyal greetings to His Most Gracious Highness the Maharaja on His Highness's twenty-fourth birthday and praying the Almighty to vouchsafe long life to our beloved Maharaja this Council expresses its feelings of profound gratitude to His Highness for issuing the Royal Proclamation throwing open all temples to all classes of Hindus and requests the President to convey the same to His Highness."

Mr. J. John Kattakayam: സർ, ആനന്ദക്കട്ടയെന്നും സുകൃതലതയിലുണ്ടായ പൂവെന്നും മോമൽശ്രീനട്ടുണ്ടായ പുണ്യച്ചെടിയുടെ ഫലമെന്നും തങ്കമെന്നും ജനസംഘം ധ്യാനിച്ച് മാനിച്ച് പൂജിച്ചാരാധിച്ചുപോരുന്ന പൊന്നുതമ്പുരാൻ തിരുമനസ്സിലെ ൨൪-ാമത്തു ജന്മനക്ഷത്രം സംബന്ധിച്ച് രണ്ടു വാക്കു ഇവിടെ പറയുന്നതു് അവസരോചിതമായിരിക്കുമെന്നു ഞാൻ വിചാരിക്കുന്നു. ഭാരതഭൂവിനു ഭൂഷണമായ ശ്രീവാഴുംകോട്ടിലെ മഹാരാജാവുതിരുമനസ്സിലെ തിരുനാൾ ഒന്നുമാത്രമേ കട്ടിലിൽകിടക്കുന്ന വൃദ്ധൻമുതൽ തൊട്ടിലിൽ കിടക്കുന്ന ശിശുവരെയുള്ള സകലജനങ്ങൾക്കും ആഘോഷിക്കുവാനുള്ളു. ആവണിയവിട്ടം തമിഴബ്രാഹ്മണർക്കും, തിരുവോണം മററുഹിന്ദുക്കൾക്കും, ക്രിസ്തുമസ് ക്രിസ്ത്യാനികൾക്കും, മുഹറം മുസ്ലീമിങ്ങൾക്കും ഉള്ളതു് ഓരോ ജാതീയമായ ആഘോഷങ്ങൾ മാത്രമാകുന്നു. എന്നാൽ അരക്കോടിയിലധികംവരുന്ന ആബാലവൃദ്ധം ജനങ്ങൾക്ക് എല്ലാവർക്കും ഒരുപോലെ ആനന്ദത്തെയുളവാക്കുന്നതു് പൊന്നുതമ്പുരാൻതിരുമനസ്സിലെ തിരുനാളല്ലാതെ മറെറന്താണുള്ളതു്? ഇൻഡ്യയിലെ അറുനൂറോളം വരുന്ന ഏതദ്ദേശീയരാജാക്കന്മാരിൽവച്ചു ഏതൊരു രാജർഷിയുടെ തിരുനാളാണ് ഇത്രമാത്രം ആഘോഷിക്കപ്പെടുന്നതു്? ഇൻഡ്യയ്ക്കുപുറമേയുള്ള മററു സ്ഥലങ്ങളിലും തിരുമനസ്സിലെ തിരുനാൾ ആഘോഷിക്കപ്പെടുന്നില്ലേ? ഒരു തിരുനാൾ കഴിഞ്ഞാൽ അടുത്ത തിരുനാൾ വരുന്നതിനു അതുവരെ ജനങ്ങൾ അക്ഷമരായി കാത്തിരിക്കുകയാണെന്നു പറയുന്നതിൽ ഒട്ടുംതന്നെ അതിശയോക്തി ഇല്ല. ഇങ്ങനെയുള്ള ഒരു തിരുനാളാഘോഷം സൂര്യനുകീഴിൽ എവിടെയെങ്കിലും ഉണ്ടോ? ഇവിടത്തെ ഓരോ പൗരനും തിരുമനസ്സിലെ നേർക്കും തിരുമനസ്സിലെ രാജകുടുംബത്തിന്റെ നേർക്കും ഭക്തിയുക്തനായി കാണപ്പെടുന്നു. ഇതിനുള്ള കാരണമെന്താണ്?

[Mr. J. John Kattakayam.]

അവിടത്തെ പ്രജാവാത്സല്യം ഒന്നുമാത്രം. അവിടുന്നു രാജ്യഭാരം ഏററിട്ടു ചുരുങ്ങിയകാലമേ ആയിട്ടുള്ളുവെങ്കിലും ഒരു ൧൦൦ കൊല്ലംകൊണ്ടു സാധിക്കാത്തതായ സംഗതികൾ സാധിച്ചിരിക്കുന്നു. തിരുമനസ്സിലെ സ്വല്പകാലത്തെ ഭരണം പ്രജകൾക്ക് എന്തെല്ലാം അനുഗ്രഹങ്ങളെയാണു പ്രദാനം ചെയ്തിട്ടുള്ളതു്? തിരുമനസ്സിലെ ഭരണകാലത്തു് മഴയില്ലെങ്കിൽതന്നെയും ജലദൗർഭിക്ഷമില്ല; സൂര്യൻ ഉദിച്ചില്ലെങ്കിൽതന്നെയും പ്രകാശത്തിനു വല്ല ഹാനിയും ഉണ്ടാകുന്നുണ്ടോ? ഈ തരത്തിലിരിക്കുന്ന തിരുമനസ്സിലെ ഗുണഗണങ്ങളെ സംബന്ധിച്ചു പറയുവാൻ ശേഷനും ശേഷി പോരാ എന്നേ എനിക്കു പറയുവാനുള്ളു. ഈ അവസരത്തിൽ പ്രത്യേകിച്ചു എനിക്കൊന്നു പറയുവാനുണ്ടു്. അതായതു് ബഹുമാനപ്പെട്ട വൈസ്രോയി അവർകളുടെ യാത്രയയപ്പു സംബന്ധിച്ചു നാട്ടുരാജാക്കന്മാരുടെ മഹായോഗത്തിൽ അദ്ധ്യക്ഷപദം വഹിച്ചതു് ഭാരതഭൂവിലെ രാജർഷിമാരുടെ ഒരുജ്ജ്വലതാരമായ നമ്മുടെ മഹാരാജാവുതിരുമനസ്സുകൊണ്ടാണെന്നുള്ള സംഗതി നമുക്കു ആഹ്ലാദത്തെ പ്രദാനം ചെയ്യുന്നില്ലേ? അതുകൊണ്ടു ഇൻഡ്യയിലെ തേജഃപുഞ്ജംതന്നെ നമ്മുടെ പൊന്നുതമ്പുരാൻ തിരുമനസ്സുകൊണ്ടാണെന്നു പറയുവാൻ എന്തിനു മടിക്കുന്നു; തിരുമേനി ഒരു അവതാരപുരുഷനാണെന്നു പറയുവാൻ എന്തിനു വിഷമിക്കണം?

ഇനി ക്ഷേത്രപ്രവേശനസംഗതിയെപ്പററിയാണു് എനിക്കു രണ്ടുവാക്കു പറയുവാനുള്ളതു്. ക്ഷേത്രപ്രവേശനം നൽകിയതിൽ ഒരു ക്രിസ്ത്യാനിയായ എനിക്കു എന്താണു ആഹ്ലാദം എന്നു ഒരുപക്ഷേ ചോദിച്ചേക്കുമായിരിക്കാം. എന്നാൽ പട്ടിക്കും പൂച്ചയ്ക്കും സ്വച്ഛന്ദം വിഹരിക്കാവുന്ന ക്ഷേത്രസങ്കേതങ്ങളിൽ വിശേഷബുദ്ധിയുള്ള മനുഷ്യരെ പ്രവേശിപ്പിക്കാതിരുന്ന അനാചാരത്തെ തിരുമനസ്സുകൊണ്ടു ധ്വംസിച്ചതിൽ ഈ രാജ്യത്തെ സകലജാതിമതസ്ഥർക്കും ആഹ്ലാദം ഉണ്ടാകേണ്ടതാണു്. അതുകൊണ്ടു ഇൻഡ്യ മുഴുവനും വിദേശങ്ങളിൽപോലും തിരുമനസ്സിലെ കീർത്തി നിരന്തരം ശോഭിക്കുന്നു. അന്നുമുതൽ ഇന്നുവരെയുള്ള പത്രപംക്തികൾ നിരന്തരം ഈ വർത്തമാനത്താൽ നിറയ്ക്കപ്പെട്ടിരിക്കുന്നു. തിരുമനസ്സുകൊണ്ടു ഇതരരാജാക്കന്മാർക്കും അനുകരണീയമായ ഒരു പന്ഥാവാണു തുറന്നുകൊടുത്തിരിക്കുന്നതു്. അവിടുന്നു ആയുരാരോഗ്യസമ്പൽസമൃദ്ധിയോടുകൂടി ചിരകാലം നമ്മേ ഭരിക്കുന്നതിനു ജഗദീശ്വരൻ കടാക്ഷിക്കുമാറാകട്ടെ.

ഇനി എനിക്ക രണ്ടു വാക്ക പറയുവാനുള്ളതു് അവിടത്തേസംബന്ധിച്ചാണ്. ഭാരതഭൂവിന്റെ ഭൂഷണമായ ധർമ്മരാജ്യം ജനഹിതഭരണരമ്യമായ ഒരു നവയുഗത്തിലേക്ക് പ്രവേശിക്കുവാനിടയാക്കിയ ശ്രീചിത്തിരതിരുനാറം മഹാരാജാവു തിരുമനസ്സിലെ സചിവോത്തമനായ അവിടത്തേക്ക ഭക്തിപൂർവ്വം സ്വാഗതമാശംസിച്ചുകൊള്ളുന്നു. വിശ്വവിഖ്യാതനും, രാജ്യഭരണതന്ത്രകുശലനും, അതിബുദ്ധിമാനുമായ അവിടത്തെ വിശിഷ്ടസേവനം തിരുവിതാംകൂറിനു ലഭിച്ചതു് അത്ഭുതപൂർവ്വമായ ഭാഗ്യമാണ്. ഇതിലും ഉപരിയായ സ്ഥാനത്തിലിരിക്കാവുന്ന അവിടത്തേയ്ക്കു് ഈ ഉദ്യോഗം ഒരിക്കലും കാമ്യമായിട്ടുള്ളതല്ല. അവിടത്തെ പൂർവകങ്ങളായ സമർത്ഥപ്രവൎത്തനങ്ങളെ വിശദീകരിക്കുവാൻ ശേഷനും ശേഷിപോരാ. അനേകകാലമായി അവിടുന്ന് ലോകത്തു പ്രതിദിനം വാൎത്താവിഷയമാണ്. സിംലായിൽ വൈസ്രോയിയുമായി ഇന്നു ഭരണഘടനാകാര്യങ്ങളെപ്പററി സംസാരിക്കുകയാണെങ്കിൽ നാളെ അലഹബാദിൽ സർ. സപ്രൂവുമായി തൊഴിലില്ലായ്മയെപ്പററി ആലോചിക്കുകയായിരിക്കും. ഉടനെതന്നെ അത്യാവശ്യം പ്രമാണിച്ചു് തിരുവനന്തപുരത്തേക്ക പറന്നു എന്നും വരാം. ഉത്തരക്ഷണത്തിൽ ജാഫ്നായിലെ വനിതാകാളേജിൽ പ്രസംഗിക്കുന്നതിനായി സിലോണിലേക്ക പോകുന്നു. ആനിബസൻറിനെ തടവിൽ പാർപ്പിച്ച പെൻറലൻറു് പ്രഭുവിന്റെ നയത്തെ പ്രസംഗവേദിയിൽ കഠിനം കഠിനം വിമർശിക്കാൻ അവിടത്തേക്കല്ലാതെ മററാൎക്ക കഴിഞ്ഞു. എങ്കിലും അഡ്വക്കേററു ജനറലിന്റെ ഉദ്യോഗം ഒഴിഞ്ഞ എസ്. ശ്രീനിവാസയ്യങ്കാരുടെ സ്ഥാനത്തു് ഒരു ആളിനെ കണ്ടുപിടിച്ചതു് അങ്ങയെത്തന്നെയായിരുന്നു. ഹൻറന-ൽ അങ്ങയെ മദ്രാസ് എക്സിക്യൂട്ടീവു് കൌൺസിലറായി കണ്ടു. മേട്ടൂർപദ്ധതി പൈക്കാരപദ്ധതി ഇവയെപ്പററയെല്ലാം മി. പിറവിപ്പെരുമാംപിള്ള പറഞ്ഞുകഴിഞ്ഞെന്നു തോന്നുന്നു. വലക്ഷം ഏക്കർ സ്ഥലത്തു് ജലസേചനം നല്കുന്ന ഒന്നാമത്തെ പദ്ധതിയും ഒരു വലിയ ഭൂവിഭാഗത്തിന് വിദ്യുഛക്തി പ്രദാനംചെയ്യുന്ന രണ്ടാമത്തെ പദ്ധതിയും അവിടത്തെ പ്രവൎത്തനങ്ങളുടെ ഫലമല്ലേ?

ഇൻഡ്യക്കു വെളിയിലും അവിടുന്നു ഇൻഡ്യക്കുവേണ്ടി പ്രവർത്തിച്ചിട്ടുണ്ടു്. ലീഗ് ആഫ് നേഷൻസ്, റൌണ്ട്ടേബിൾ കാൺഫറൻസ്, ലോകസാമ്പത്തികസമ്മേളനം ഇവയിൽ അവിടുന്നു ഞങ്ങളുടെ പ്രതിനിധിയായിരുന്നു. തിരുവിതാംകൂറിലെ ഭരണോപദേഷ്ടാവെന്നനിലയിൽ ഇൻഡ്യയിലും ഇംഗ്ലണ്ടിലും നടന്ന കാൺഫറൻസുകളിൽ നമ്മു

[Mr. J. John Kattakayam.]

ടെ ഭാഗം അതി സമത്ഥമായി അവിടുന്നു വാദിച്ചു. ഗവണ്മെന്റുദ്യോഗം ഒഴിച്ച് ഒരിൻഡ്യാക്കാരന് ആശിക്കാവുന്ന സകലതും അങ്ങേക്ക് സിദ്ധിച്ചു. കാർഷികാധഃപതനം നീക്കുന്നതിനും വ്യവസായപദ്ധതി നടപ്പിലാക്കുന്നതിനും മഹാരാജാവുതിരുമനസ്സിലെ സഹായിക്കുന്നതിനാണ് അങ്ങു ഈ ഉദ്യോഗം സ്വീകരിച്ചിട്ടുള്ളതെന്ന് ഞങ്ങൾക്കെന്നല്ല വഞ്ചിഭൂവാസികൾക്കെല്ലാവക്കും കണ്ണാടിയിലെന്നപോലെ വിശദമായി മനസ്സിലാക്കാം. അങ്ങു വഞ്ചിരാജ്യമന്ത്രിപദം കൈക്കൊണ്ടു രണ്ടുമാസമേ ആയിട്ടുള്ളു. എങ്കിലും ഒരു ഇരുപതു കൊല്ലം കഴിഞ്ഞതുപോലെയാണ് ഞങ്ങൾക്കു തോന്നുന്നതു്. ഈ രണ്ടുമാസംകൊണ്ടു് തിരുവിതാംകൂർ ഒരു ൧൦൦൦ കൊല്ലത്തിനപ്പുറമായിരിക്കുന്നു. എന്തെല്ലാം പരിഷ്കാരങ്ങൾ അങ്ങ് ജനഹിതമനുസരിച്ച് നടപ്പിലാക്കിയിരിക്കുന്നു. ഒരു മനുഷ്യനു സാധിക്കാൻ വഹിയാത്ത അത്ഭുതകാര്യങ്ങൾ അങ്ങ് ചെയ്തുകഴിഞ്ഞിരിക്കുന്നു. അവിടുത്തെ ഭരണം സകല അരാജകകക്ഷികളേയും സത്യധർമ്മമാർഗ്ഗത്തിൽ ഏകോപിച്ചിരിക്കുന്നതിൽ അത്ഭുതപ്പെടുവാനുണ്ടോ? സമുദായപ്രശ്നങ്ങളും ഉദ്യോഗവഴക്കുകളും അവസാനിച്ചുകഴിഞ്ഞു. ഇനി പ്രക്ഷോഭണമെന്ന പദത്തിന് ഇവിടെ സ്ഥാനമില്ല; അതിന്റെ ആവശ്യവുമില്ല.

ക്ഷേത്രപ്രവേശനകാര്യത്തിൽ പൊന്നുതമ്പുരാൻതിരുമനസ്സുകൊണ്ടും അവിടുന്നും അനുഷ്ഠിച്ച ധീരമായ സൽകൃത്യത്തെപ്പററി വർണ്ണിക്കുവാൻ എനിക്കു ശേഷിയില്ല. കവടിയാർകുന്നുകൊട്ടാരത്തിൽനിന്നും കാരുണ്യഗംഗ കരകവിഞ്ഞു് വഞ്ചിഭൂമുഴുവൻ ഒഴുകിയിരിക്കുന്നു. ആകാശഗംഗയെ പാതാളലോകത്തുകൊണ്ടുവന്ന ഭഗീരഥനേക്കാൾ ഒരു വലിയ സാമത്ഥ്യമാണ് അവിടുന്ന് ഇപ്പോൾ പ്രദർശിപ്പിച്ചതു്. പ്രാചീനമന്ത്രിസത്തമന്മാരായ വസിഷ്ഠന്റേയും, സുമന്ത്രരുടേയും അന്യാദൃശഭരണപരിഷ്കാരങ്ങളാണ് ഇപ്പോൾ കാണാറാകുന്നതു്. എവിടെയും സന്തുഷ്ടിയും ശാന്തിയുമല്ലാതെ മററൊന്നും കാണാനില്ല. ഹിന്ദു, മദ്രാസ് മെയിൽതുടങ്ങിയ ഇൻഡ്യൻപത്രങ്ങൾ തിരുവിതാംകൂർ വാത്തകൾക്കു ഒട്ടധികം സ്ഥലം ചിലവാക്കുന്നു. തിരുവിതാംകൂറിന്റെ കീത്തി ലോകമാസകലം പരന്നുകഴിഞ്ഞിരിക്കുന്നു. അങ്ങയുടെ ഓരോ പ്രസംഗവും രാഷ്ട്രീയവിജ്ഞാനത്തിന്റെ ഉത്തമലക്ഷ്യങ്ങളാണ്. അങ്ങ് തിരുവിതാംകൂറിനെപ്പററിചെയ്തു പ്രക്ഷേപിണ പ്രസംഗം തങ്കമഷിയിൽ ചരിത്രവശങ്ങളിൽ സ്ഥാനംപിടിക്കത്തക്കവിധത്തിൽ ആപാദമധുരങ്ങളും സാഹിത്യസുന്ദരങ്ങളുമായ ചരിത്രവശങ്ങൾകൊണ്ടു് പവിത്രീകൃതമായിരിക്കുന്നു.

തിരുവിതാംകൂർദിവാൻജിയായതിൽപിന്നീട് അവിടുന്നു ചെയ്ത പ്രഭാഷണങ്ങൾ എല്ലാം പൌരലോകത്തിന്റെ ശ്രദ്ധയെ ഹഠാദാകർഷിക്കത്തക്കതായിരിക്കുന്നു.

ഇതൊന്നും മുഖസ്തുതിയല്ല. അനേകം നിവേദനങ്ങൾ ഡെപ്യൂട്ടേഷനായിച്ചെന്നു ദിവാൻജിക്കു ഞങ്ങൾ സമർപ്പിച്ചിട്ടുണ്ട്. അന്നൊക്കെ "നോട്ടുചെയ്തു, ആലോചിക്കാം, നോക്കാം" എന്നിങ്ങനെ ഓരോ മറുപടികളാണ് കിട്ടിക്കൊണ്ടിരുന്നത്. എന്നാൽ അവിടുത്തോടു സമർപ്പിക്കുന്ന നിവേദനസംഘങ്ങൾക്ക് അവിടന്ന് ഉത്തരക്ഷണത്തിൽ തന്നെ മറുപടി നൽകുന്നു. ഇതു മനുഷ്യസാദ്ധ്യമാണോ എന്നു ഞാൻ തന്നെ പലപ്പോഴും ചിന്തിക്കാറുണ്ട്. അവിടത്തെ ഭരണം തുടങ്ങിയതുമുതൽ ഉദ്യോഗലോകം യന്ത്രങ്ങൾപോലെ ജോലിചെയ്യുന്നു. വ്യവസായലക്ഷ്മി പുഞ്ചിരിതൂകുന്നു. സമുദായമാതാവു പുളകിതയാകുന്നു. നവയുഗം ജയഭേരി അടിക്കുന്നു. അഹോ! ഇതെന്തൊരു കാലം! ഇതെന്തൊരു പരിഷ്കാരം!

ഫെഡറേഷനെ സംബന്ധിച്ച് അവിടത്തെ സേവനം തീർച്ചയായും വഞ്ചിരാജ്യത്തിനു ഒഴിച്ചുകൂടാൻ പാടില്ലാത്തതാകുന്നു. അങ്ങയുടെ ശക്തി തിരുവിതാംകൂറിന്റെ ഐശ്വര്യത്തിനുവേണ്ടി ചിലവാക്കുവാൻ അങ്ങു ബദ്ധധൈര്യനായി സഹകരണഹസ്തങ്ങൾ നീട്ടിക്കൊണ്ടു ഇതാ സന്നദ്ധനായിരിക്കുന്നു. ഈ നവയുഗത്തിൽ തിരുവിതാംകൂറിൽ ജീവിക്കുന്നതിനു ഭാഗ്യമുണ്ടാക്കിയ ജഗദീശ്വരനെ ഞാൻ വീണ്ടും വീണ്ടും പ്രണമിച്ചുകൊള്ളുന്നു. എന്റെ പ്രസംഗം കുറെ കൂടുതലായിപ്പോയി എന്നു അടുത്തുള്ള ചിലരിൽനിന്നും ഞാൻ മനസ്സിലാക്കുന്നു. അതിനാൽ എന്റെ പ്രസംഗത്തെ ഞാൻ ചുരുക്കുന്നു. നമ്മുടെ പൊന്നുതമ്പുരാൻ തിരുമനസ്സുകൊണ്ടു ആയുരാരോഗ്യസൌഭാഗ്യാദിസമൃദ്ധനായി ചിരകാലം വാണ് നമുക്കു നിരവധി നന്മകളെ ചെയ്യുന്നതിനു ജഗദീശ്വരൻ അനുഗ്രഹിക്കട്ടെ. അതുപോലെതന്നെ അവിടുന്ന് ഇവിടെ അനേകകാലം അധിവസിച്ച് ഇതുപോലെയുള്ള അനുഗ്രഹങ്ങൾ ഉത്തരോത്തരം ഞങ്ങൾക്കുതരാൻ അവിടത്തേയ്ക്കു ആയുരാരോഗ്യസൌഭാഗ്യസമ്പൽസമൃദ്ധ്യാദികൾ പ്രദാനം ചെയ്യണമെന്നു പരമകാരുണികനായ ദൈവത്തോടു പ്രാർത്ഥിച്ചുകൊണ്ടു വിരമിച്ചുകൊള്ളുന്നു.

Mr. N. Ramakrishna Pillai: (*Vaikam* cum *Shertalai*): I support the motion before the House. Words will never be adequate to express our feelings of gratitude to His Highness the Maharaja for emancipating the vast mass of the Hindu population

[Mr. N. Ramakrishna Pillai.]

who have been suffering for ages from a great disability. We have recently witnessed an unparalleled demonstration of joy and gratitude by His Highness's subjects. It is not at all possible to express in adequate words the magnitude and the far-reaching effect of the event that has already taken place. It is undoubtedly the greatest event in the social history of the whole of India. Great saints and social reformers all over India have been labouring in vain for centuries to achieve a reform like this. His Highness the Maharaja has, as it were, condensed the labour of centuries into a single act. Sir, those who know the social conditions in Kerala will be amazed at the peaceful revolution that has taken place and at the enthusiastic support of the vast millions of people outside and also the support of all classes of His Highness the Maharaja's Hindu subjects in the State. Vast millions of people will in their daily prayer mingle a prayer for blessings upon the great Maharaja who has been responsible for this act of grace. Sir, this act is beyond praise; it has thrilled the whole of India. Sir, we owe also a deep debt to Her Highness the Maharani; the people of Travancore will always remember with gratitude the help and training which His Highness has received at the hands of His Highness's august mother, the Gracious Maharani. We respectfully tender our homage to His Highness the Maharaja and to the Royal Family and we pray that His Highness may live long and confer more and more benefits upon his loving subjects.

In this connection may I be permitted, Sir, to express the pleasure and gratification we feel in welcoming you to this House? Sir, it is indeed a rare privilege to welcome a statesman of your great eminence and reputation as President of this House and also as head of the Administration of this State. Your great services to the Empire and in the cause of the vast millions of people in the Continent of India have been recognised not only in India but even far beyond and yours is a name familiar in the Councils of Nations. Sir, at the same time we realise that you are one of us and that in accepting the responsibility of guiding the destinies of the State you have been actuated by the sole desire of carrying into effect the great object of our beloved Maharaja of doing lasting good to the people of this country. We know that you have no other purpose to serve and no other object to achieve. We feel that of you we can say this with absolute truth and sincerity. Travancore has had the rare privilege of having secured the services of very eminent statesmen in the past as she had the rare good fortune to be ruled by an illustrious line of Maharajas whose sole

concern was the welfare of their subjects. But we feel confident that your efforts in the cause of the progress of this country will transcend all other achievements in the past. Your powerful personality has begun to be felt and one of the greatest reforms in the history of India has already become an accomplished fact.

The great question of the entry of Travancore into the Federation of India will, we trust, be settled to the entire satisfaction of the people of Travancore. Sir, the people of Travancore are essentially good, loyal and grateful and in the task that you have set before you to do we trust and hope that you will have their support and co-operation in an abundant measure. We pray for your success in all your undertakings. We look to you, further, with hope and expectation for light and guidance in the deliberations of this House and also for safeguarding our rights and privileges in this House. With these words I humbly support the motion.

Mr. Tariatu Kunjitomman (*Nominated*): സർ, ഞാൻ ഈ പ്രമേയത്തെ ബലമായി പിൻതാങ്ങുന്നു. ധർമ്മരാജ്യനിവാസികളായ ൫൦ ലക്ഷത്തിൽപരം ജനങ്ങളുടെ ധർമ്മന്യായങ്ങളെ നിയന്ത്രിക്കാനായി ധർമ്മരാജ്യസിംഹാസനത്തിൽ വാണരുളുന്ന പൊന്നുതമ്പുരാൻ തിരുമനസ്സുകൊണ്ടു തിരുമനസ്സിലെ ൨൪-ാമത്തെ ആട്ടത്തിരുനാൾദിവസം ലോകത്തെ വിസ്മയിപ്പിക്കുന്ന ഒരു മഹൽകൃത്യം ചെയ്തിരിക്കുന്നു. ക്ഷേത്രപ്രവേശനവാദം വലിയ ഒരു വിഷമപ്രശ്നമായിരുന്നു. സുപ്രസിദ്ധന്മാരായ ചിന്തകന്മാരുടേയും വലിയ തത്വജ്ഞാനികളുടേയും അധിവാസഭൂമി എന്നു പുരാതനകാലം മുതല്ക്കേ പ്രഖ്യാതി നേടിയിട്ടുള്ള ഭാരതഖണ്ഡത്തിന് ഒരു കളങ്കമായി തീർന്നിരുന്ന ആ ഗാർഡിയൻ നാട്ടിനെ തിരുമനസ്സിലെ ഹസ്തത്താൽ ഖണ്ഡിച്ച് ഭാരതത്തിന്റെ അഭിമാനത്തെ പരിരക്ഷിച്ചിരിക്കുന്നു. കാലത്തിന്റെ പുരോഗതിക്കാവശ്യമായ ആത്മാഭിമാനത്തേയും ജന്മസിദ്ധമായ സ്വാതന്ത്ര്യത്തേയും അനുഭവിക്കാൻ നിവൃത്തിയില്ലാതെ അടിമത്വത്തിലും ദാസ്യമനോഭാവത്തിലും കുടുങ്ങിയിരിക്കുന്ന അനവധി കോടി ജനങ്ങളുടെ വിമോചകനായിട്ടാണ് തിരുമനസ്സിനെ ഇന്നു ലോകം കാണുന്നത്. തിരുമനസ്സിലെ സ്വല്പകാലത്തിനുള്ളിൽ പ്രശസ്തമായ അനവധി കാര്യങ്ങൾ നിർവഹിച്ചുകഴിഞ്ഞിരിക്കുന്നു. എന്നാൽ ഇപ്പോഴത്തെ തിരുവെഴുത്തുവിളംബരമാകുന്നു ലോകമൊട്ടുക്കുള്ള ശ്രദ്ധയെ ബലമായി ആകർഷിച്ചിരിക്കുന്നത്. ഇതുനിമിത്തം തിരുമനസ്സിലെ വാത്സല്യപ്രജകളായ വഞ്ചിരാജ്യനിവാസികൾക്ക് അപാരമായ ആനന്ദവും അഭിമാനവും ഉളവായിട്ടുണ്ട്. തിരുമനസ്സിലെ പൂർവീകന്മാർ പൂർവീകമായി ആർജിച്ചിരുന്ന

[Mr. Tariatu Kunjitomman.]

"ധർമ്മരാജ്യം" എന്ന പ്രശസ്തനാമം തിരുമനസ്സുകൊണ്ടു പൂർവാധികം അന്വർത്ഥമാക്കിത്തീർത്തിരിക്കുന്നു. ഇൻഡ്യയിലെ ഒരു മഹാരാജാവും ഈ വിഷമപ്രശ്നത്തെ തീരുമാനിക്കുന്നതിനു ധൈര്യപ്പെട്ടില്ല. നമ്മുടെ യുവാവായ മഹാരാജാവു തിരുമനസ്സുകൊണ്ട് ഈ മാമൂലനാചാരത്തെ സാഹസംകൊണ്ടു ഖണ്ഡിച്ചിരിക്കുന്നു. ഇപ്രകാരം ഒരു മഹൽകൃത്യം ചെയ്യുന്നതിനു തിരുമനസ്സിനെ വേണ്ടവിധത്തിൽ ഉപദേശിച്ച് സ്വകൃത്യം നിർവഹിച്ചിട്ടുള്ള സാക്ഷാൽ "സചിവോത്തമൻ" ഈ രാജ്യവാസികളെ എന്നല്ല ഭാരതഖണ്ഡമൊട്ടുക്കുള്ള ജനങ്ങളുടെ അഭിനന്ദനത്തെ അർഹിച്ചിട്ടുണ്ടെന്നുള്ള സംഗതിയും ഈ അവസരത്തിൽ പ്രസ്താവിച്ചുകൊള്ളട്ടെ. നമ്മുടെ പൊന്നുതമ്പുരാൻ തിരുമനസ്സുകൊണ്ട് ദീർഘായുഷ്മാനായി ഈ രാജ്യത്തിനെന്നുമാത്രമല്ല ഭാരതഭൂമിക്കുതന്നെയും ഒരു മഹാദീപമായി—ധർമ്മദീപമായി പരിലസിക്കാൻ ജഗദീശ്വരൻ അനുഗ്രഹിക്കട്ടെ എന്നും വിവിധസമുദായൈക്യം രാജ്യക്ഷേമം മുതലായവയെ നിലനിറുത്തുന്നതിനു തിരുമനസ്സിനെ വേണ്ടവിധം ഉപദേശിച്ചു പ്രവർത്തിച്ച് സചിവോത്തമൻ എന്ന നാമത്തെ അന്വർത്ഥമാക്കിത്തീർത്ത് അവിടുന്നു വിളങ്ങട്ടെ എന്നും ഈ അവസരത്തിൽ പ്രാർത്ഥിച്ചുകൊണ്ടു വിരമിച്ചുകൊള്ളുന്നു.

Mr. V.S. Arumukham Pillai: Sir, I take this opportunity to tender my heart-felt felicitations and to express my profund feelings of gratitude for the Proclamation throwing open all temples to all classes of Hindu subjects. The Proclamation has produced a most marvellous and a most miraculous effect. It has stirred the feelings of one and all not only in Travancore, but throughout India. Imagine, Sir, the feeling that will be created in the mind of a person when all on a sudden at 12 o' clock in the midnight he sees the sun shining. This is exactly the feeling and that is exactly the effect this Royal Proclamation has created in the minds of us all. This Proclamation has been acclaimed as a noble act of statesmanship and a bold step in the right direction. After all His Highness simply translated into action the fundamental faith, *viz.*, that God resides in all and we are all equally his children. But this requires a boldness which can be expected only of His Highness and His Highness alone, being as he is, the Ruler as well as the representative of God Sri Padmanabha, and being, as he is, a born soldier and a great sportsman. By this Proclamation His Highness has not only saved our entire community from discord and threatening decadence, he has given a new revival of Hindu religion and he has opened the way for a new social service and new social progress like the renaissance in Europe. His Highness has lead the way to the revival of a new social progress, What the great Emperor Asoka has done for Budhism, what

the great Hindu reformers like Sri Sankara and Ramanuja have done for Hinduism have all been eclipsed by this Royal Proclamation. He has not only saved us from discord and decadence, but has elevated Travancore to an enviable position throughout the whole of India. We all feel proud, Sir, that we are Travancoreans, the humble subjects of His Highness the Maharaja and we especially, Sir, the members of this House, the Sri Chitra State Council. For this noble act of statesmanship I take this opportunity to extend my heart.felt felicitations to Her Highness the Queen Mother who had strengthened His Highness by her moral support. I may also in this connection state that great credit is due to our Dewan for the lead in the right direction at this most opportune moment. Sir, I may also submit that Travancore has heen exceptionally fortunate in securing the services of such an eminent statesman and a great lawyer when great questions like Federation and other legal questions are agitating the minds of the public here. With these words I most humbly and respectfully support the motion before the House.

Mr. M. Govindan (*Nominated*) : Sir, it is my privilege to support the motion of loyalty and devotion to His Highness the Maharaja moved so ably and eloquently by my friend Mr. Piravi-perumal Pillai and so ably supported by other friends in this House. His Highness the Maharaja has, by issuing this memorable Proclamation, removed the depression that has been weighing heavily on 60 per cent. of the Hindu population of this State. Elsewhere the conditions are different. There the classes that are denied admission to the temples are not so numerous, but in Travancore the proportion is very high indeed, and by one stroke of the pen His Highness the Maharaja has been able to remove this heavy weight that has been depressing a considerable portion of the Hindu population of the State. His Highness is peculiarly suitable to intellegent and responsible deeds. In His Highness is combined the administration and control of more than 3,000 Hindu temples. We have heard that elsewhere certain Rajas have opened temples even before. But the significance of throwing open such a large number of temples is peculiar. In His Highness there is a further fact that he is the defender of the faith and he is the head of the Hindu religion in the State. As Sovereign it was within his indisputable competency to remove this disability but we know there were obstacles in the way. This is a disability which is not new. For ages a large secton of the people was labouring under this disability and when a custom is an age-long custom, it gets into the blood of the nation and it becomes very difficult to eradicate it. The boldness of an able administrator and statesman was necessary for giving advice for removing this disability and giving an intelligent lead to the rest of India as was expected. The Proclamation was received with great enthusiasm not only in India but throughout the world

[Mr. M. Govindan.]

and friends of progress welcomed it heartily. Christians and Mahomedans welcomed the Proclamation. Now I understand that the effect of the Proclamation amongst Christians was so much that little differences they were observing are also going to be wiped off. The enthusiasm that is felt, particularly by those who were now enjoying the right is so much and the feeling of loyalty and devotion to the Throne so much enhanced, that they feel that under the rule of His Highness the Maharaja, aided by a statesman who is of such imagination and reputation as you, Sir, Travancore is entering on an age of prosperity. Already within a few weeks of your assuming the reins of Government you have endeared the 5 millions of population committed to your care by His Highness and we hope that during the normal period during which we shall have the fortune of having you as the Dewan of this State and the President of this Council an era of progress will be inaugurated which will remain recorded in letters of gold for all time in the history of Travancore. With these words I support the motion.

Mr. H. O. L. Marikar (*Minachil* cum *Devicolam*) : On behalf of the Muslims of Travancore, I respectfully tender our loyal greetings to His Most Gracious Highness the Maharaja, and pray for HisHighness's long life, sound health, prosperity and happiness.

I testify on behalf of the Muslim population in Travancore that the Muslims in Travancore under His Gracious Highness's rule have equal opportunities in every walk of life and suffer no disabilities of any kind.

His Highness is on the throne at a great critical period, and a state of affairs has come now which no Sovereign of Travancore had to handle during the past 150 years. Wise statesmanship is required now. I mean our entry into Federation is ... ..it practically rewriting a treaty of friendship with the Paramount Power. Although our Gracious Highness is young, His Highness is wise enough and able enough to meet the situation. That wisdom and ablity is shown first in the appointment of a most suitable Minister for work ahead.

We offer our homage to that great personage, that talented mother, Her Gracious Highness the Maharani, for bringing up His Gracious Highness in such a way as to be capable of bearing the burden of governing at so early an age, and rule the country with credit and success.

He has selected a Minister not from the traditional official class, not of a Civil Service, one trained to rule, but one who has spent his prime of life in fighting for the cause of the people, the ruled and not for the ruler, to take care of the welfare of his beloved subject. This selection was possible only because His Highness has

got the greatest care for the people. The immediate effect of that appointment is seen in the solution of the Temple Entry question. It is an All-India problem and His Highness has verydaringly faced the situation and shown a lead to the whole of India. We express our gratitude to our Gracious Highness for solving the Temple Entry question. Thereby we are enabled to live amongst a contented people. We, Muslims take it in that way. We are one among the fifteen different communities in the State. Several of them were fighting each other, and were discontented and unsatisfied. So our life among them was intolerable. Now our lives have been made happy.

I take this opportunity to welcome you, Sir, as the Dewan of Travancore. Travancore is, I think, the country wherein Moses wanted to bring the Israliies, the country which flows with milk and honey. You will find on every tree milk and that tree produces honey also. If the land of Ravana (Ceylon) ever attempted to rob us of our wealth, I hope Rama will come to our rescue You will ever live in the history of Travancore as "our" Dewan because I think, you are the first Dewan who was selected from the people. We know less of you for the last few years although you were the father of this House and although you were the Constitutional Advisor of Travancore. But we know very much of you when you were fighting stiff on behalf of the people of India both in India and in England. Therefore you are no stranger to us. We hope that in your hand our affairs are safe at this critical time. Before coming over here you have published your programme of work by the broad cast speech from Bombay. We appreciate it and will render our help and service in furthering your desire. We will keep aloof from one item and that is stampiug out corruption. In this we will have to keep aloof. We are the abators, we cannot come forward. We are demoralised---lost our love of country owing to corruption—therefore single handed, you have to fight a battle against the whole Travancore. Your only support and solace is that Rama Banam—the good will and support of your beloved master. With that, I am sure, although we keep aloof, you will win and your efforts will be crowned with success. The whole of Travancore and India will appreciate stamping out corruption and it will be a greater blessing to the people than any other act. No Dewan of Travancore has ever attempted, nor did any succeed to any extent in reformatory service. With these words I support the motion before the House.

Mr. G. Narayana Aiyar: Sir, I endorse in full all the sentiments given expression to by the previous speakers and join in congratulating His Highness the Maharaja on the completion of his 24th birthday and on the bold and far sighted policies taken by

[Mr. G. Narayana Aiyar.]

him. I pray God that His Highness may rule over us long and give him continued happiness health and prosperity.

I congratulate you, Sir, on the rare distinction Sachivottama, conferred on you, by His Highness. I also congratulate the Chief Secretary on the equally distinguished honour of Rajyasevanirata conferred on him and wish him also continued health and prosperity.

In this connection it may not be out of place if I make one request to you, Sir. The question of Federation is seriously engaging the attention of all Governments. Conferences concerning Travancore are over. The public of Travancore do not know what will be the position of Travancore in the Federation. Before finally settling the question I request you, Sir, to take the public of Travancore and this Council into your confidence and inform them the proposals and take their opinion. I hope you will give public opinion its due weight. With these words I support the motion before the House.

Mr. K. N. Kesavan Namputiripad (*Travancore Jenmis* Sir, I rise to support the motion moved by the honourable member, Mr. Peraviperumal Pillai.

It is with the deepest feelings of joy and gratification that I support the motion. As the representative of the Namputiris I heartily congratulate His Most Gracious Highness the Maharaja for the magnanimous step His Highness has taken, in throwing open all temples to all Hindus irrespective of caste or creed, on the courageous and statesmanlike advice given by you, Sir.

By this Proclamation His Highness has removed once for all a blot which was in existence in the Hindu community for thousands of years and which was thought to be ineradicable till now. Thus by a stroke of the pen His Highness has achieved something which is superhuman and miraculous.

It is also equally gratifying to note that all people have received this Proclamation most warmly and calmly. Not only the people of Kerala, but all Hindus, nay all Indians, are glad of it and grateful to His Highness for the Proclamation, and to you, Sir, for the bold and timely advice you have given in the matter.

Sir, of all the communities of Kerala the Namputiris are particularly glad over this matter and grateful to His Highness. For, with or without foundation the Namputiris have been held responsible for the existence of all the social customs and religious observances in Kerala. They have been regarded as the originators and custodians of all the evil customs such as the untouchability and unapproachability among the Hindus in Kerala. And as a natural

result the attitude of the other communities towards the Namputiris was not very favourable and they have been looked upon with contempt and hate. Hence this removal of untouchability has relieved the Namputiris of the burden of blame heaped upon them. And so they are particularly grateful to His Highness and to you.

In conclusion, I wish and pray all glory and prosperity to His Highness and all success to you, Sir, in your administration.

Mr. E. P. Varghese: I also wish to add a few words in support of the motion before the House. I associate myself with all that has been expressed both by the mover and supporters of the motion. May I first request you, Sir, to convey our loyal greetings to His Highness whose 24th birthday has been celebrated throughout the State with such grandeur. Sir, His Highness has made history in a day, as it were, by throwing open the temples to all castes in the Hindu fold. It is a problem which has engaged the attention of many a social reformer for ages and it has even defied the tact and personality of the greatest men of India. By this His Highness has liberated 20 lakhs of people in this State and the evils of caste system in the whole of India have been under mined It is not for me to recount the name and fame which His Highness has earned by boldly taking such an action which has emancipated 20 lakhs of his subjects from an age long serfdom as it were. I must congratulate you, Sir, for the boldness and breadth of vision with which you have advised His Highness to do such a masterly act. It is not for me to recount all your past glories. They are well-known to every one in India and throughout the world. By this act you have immortalised our State, and our beloved Sovereign. I do not think there has been any Ruler in India who has been bold enough to bring about such an act of social reform. But for you, Sir, I think it would not have come so soon and we congratulate ourselves for getting you as our Dewan at this juncture and thus raise our State to the forefront of Indian States. Sir, I do not wish to take more time of the House. I request you once more to convey our loyal greetings to His Highness. To you, Sir, we assure you all support in this House and in all that you do for the welfare of the State.

Mr. Eric Hall (*Travancore Planters*) : Sir, I also rise to support the motion brought forward by my honourable friend on behalf of the European Planters in tendering our congratulations to His Highness the Maharaja on his 24th birthday and I pray he may be spared to serve his subjects for many more years to come. I have also great pleasure to express the genuine satisfaction of my constituency on your arrival as Dewan in Travancore and to express their genuine confidence in your guidance of the administration.

Mr. Sayed M. Bava (*Nominated*): സർ, ഭൂഗോളത്തിന്റെ വിവിധഭാഗങ്ങളിൽ പുരോഗമിച്ചുകൊണ്ടിരിക്കുന്ന പരിഷ്കാരഗതിയെ കൂലങ്കഷമായി പരിശോധിക്കുന്ന ഒരുവന് ഈ പ്രമേയത്തെ സന്തോഷപുരസ്സരം പിൻതാങ്ങാതിരിക്കുവാൻ നിവൃത്തിയില്ല. ലോകത്ത് അനേകം രാജാക്കന്മാർ ഉണ്ടായിട്ടുണ്ട്. പ്രശസ്തമായ രീതിയിൽ രാജ്യം ഭരിക്കപ്പെട്ടിട്ടുണ്ട്. ലോകത്ത് സാമുദായികം, രാഷ്ട്രീയം തുടങ്ങിയുള്ള പരിഷ്കാരങ്ങൾ പുരോഗതിയെ പ്രാപിച്ചുകൊണ്ടിരിക്കുന്നു. നമ്മുടെ വഞ്ചിരാജ്യവും പരിഷ്കാരത്തിൽ പുരോഗതിയെ പ്രാപിക്കയും വഞ്ചിരാജകുടുംബം ആ പുരോഗതിയെ നിയന്ത്രിച്ചുകൊണ്ടിരിക്കയും ചെയ്യുന്നു. ലോകത്തെ എല്ലാ ഭാഗങ്ങളിലേയും പരിഷ്കാരങ്ങളെ അപേക്ഷിച്ചു നോക്കുമ്പോൾ വഞ്ചിരാജകുടുംബത്തിന്റെ സ്ഥിതിയും വഞ്ചിരാജ്യപരിഷ്കാരവും ഒരു വ്യത്യസ്തമായ നിലയിൽ കാണുകതന്നെ ചെയ്യും. പരിഷ്കാരക്രമപ്രവൃദ്ധമായ രീതിയിൽ പുരോഗമിക്കുന്നുണ്ടെന്ന് അഭിമാനം നടിക്കുന്ന പാശ്ചാത്യരാജ്യങ്ങളിൽ പലസ്ഥലത്തും കാലക്രമേണ രാജത്വത്തോടുള്ള ഭക്തിയും ബഹുമാനവും പരിഷ്കാരത്തെ അനുക്രമമായ പുരോഗതിയാശ്രയിച്ചു നോക്കുമ്പോൾ ക്രമേണ കുറഞ്ഞുവരുന്നതായിട്ടാണു കാണുന്നത്. നമ്മുടെ രാജ്യത്തെ സ്ഥിതി അതിനു നേരെ വിരുദ്ധമായിട്ടാണ്. പരിഷ്കാരം കൂടുംതോറും രാജഭക്തിയും സ്നേഹവും ക്രമപ്രവൃദ്ധമായിത്തീരുകയാണിവിടെ ചെയ്യുന്നത്. ഇതാണ് മററു രാജ്യങ്ങളെ അപേക്ഷിച്ച് തിരുവിതാംകൂറിനുള്ള വ്യത്യസ്തനില. ഭരണസംബന്ധമായ കാര്യങ്ങളിൽ ഈ രാജ്യത്തെ ജനതാമദ്ധ്യത്തിൽ അഭിപ്രായഭിന്നതയുണ്ടെങ്കിലും രാജത്വത്തോടും രാജ്യത്തോടും ജനതയ്ക്കുള്ള ഭക്തിയിൽ യാതൊരു ഭിന്നതയുമില്ലെന്നുമാത്രമല്ല അത് നാൾക്കുനാൾ വളർന്നുകൊണ്ടുവരികയും ചെയ്യുന്നു. ഇതിനുള്ള പ്രധാനകാരണം മഹാരാജാവു തിരുമനസ്സുകൊണ്ടും രാജകുടുംബവും തിരുമനസ്സിലെ പ്രജകളെയെല്ലാം സമഭാവനയോടുകൂടി വീക്ഷിക്കയും ജനക്ഷേമത്തെ ലക്ഷ്യമാക്കി പ്രസംഗിക്കയും പ്രവർത്തിക്കയും ചെയ്യുന്നതുതന്നെയാണ്.

സർ, അങ്ങയുടെ അപദാനങ്ങളെപ്പററി ഇവിടെവച്ച് എന്തെങ്കിലും പറയണമെന്നു ഞാൻ വിചാരിക്കുന്നില്ല. ഈ സഭയേയും സഭയുടെ അന്തസ്സിനേയും പരിപാലിക്കാനാണ് അങ്ങ് പ്രധാനമായി തീർച്ചയാക്കീട്ടുള്ളതെന്ന ഒററ സംഗതിതന്നെ രാജ്യത്തിന്റെ അഭിവൃദ്ധിയിലും ജനങ്ങളുടെ ഉൽക്കർഷത്തിലും എത്രത്തോളം അങ്ങേയ്ക്കു താല്പര്യമുണ്ടെന്നുള്ളതിന് ഒരു പ്രത്യക്ഷതെളിവാണ്. മഹാരാജാവു തിരുമന

സ്സുകൊണ്ടു ചിരകാലം ആയുരാരോഗ്യസമ്പൽസമൃദ്ധിയോടുകൂടി വാണരുളുന്നതിനും അനേകകാലം തിരുമനസ്സിനെ ശരിയായവിധത്തിൽ ഉപദേശിക്കുന്നതിനുള്ള ഭാഗ്യം ഉപര്യുപരി വർദ്ധിക്കുന്നതിനും ഇടയാകട്ടെ എന്നു സർവേശ്വരനോടു പ്രാർത്ഥിച്ചുകൊണ്ടു വിരമിച്ചുകൊള്ളുന്നു.

Mr. Kochikal P. Balakrishnan Tampi (*Mavelikara and Kartikappalli* cum *Kunnattur*): Sir, it is a great privilege to second the motion moved by my honourable friend Mr. Piraviperumal Pillai. I do not want to enumerate all the great positions you have held, but thereby I do not mean to say anything disparaging to all the high offices that you have held. One thing I can assure you, Sir. The days of Advocate Generals, and leaders of various legislatures will be forgotten, but your name will ever be remembered by a grateful posterity for the services you have rendered for the Hindu solidarity and thereby the great solidarity of India. Sir, it was Providence who wisely designed that Kerala which was once described by Swami Vivekananda not in very complimenting terms should through you get herself purged of a great sin. And the Sovereign who brought about this is truly the real descendant of the Great Kulasekara Perumal and his Minister may very well claim spiritual allegiance to Sri Sankaracharya whose birth place Kerala is. Now, Sir, regarding the other thing *i. e.* about Federation of which my honourable friend spoke. I hope I will speak a word on this. On a complimentary occasion like this I do not want to introduce a controversial subject like Federation. But unfortunately, I am constrained to say that this House has not been taken into confidence in that matter. All that I can say at present is that we have waited too long.

Mr. A. N. Visvanatha Pillai (*Quilon cum Karunagapalli*): തിരുവിതാംകൂറിലെ യുവാക്കന്മാർക്കുവേണ്ടി യുവാവായ മഹാരാജാവു തിരുമനസ്സിനെ അനുമോദിക്കുന്ന ഈ പ്രമേയത്തെ ഞാൻ അനുകൂലിച്ചുകൊള്ളുന്നു. വിദ്യാഭ്യാസത്തിൽ ഏററവും മുന്നണിയിൽ നിൽക്കുന്ന ഒരു രാജ്യമാണ് തിരുവിതാംകൂർ. പരിഷ്ക്കാരോന്മുഖരായ ഒരു കൂട്ടം ജനതയെയാണ് തിരുമനസ്സുകൊണ്ടു ഭരിക്കുന്നതു്. അനാചാരങ്ങളെ ധ്വംസിക്കുന്നതിൽ തിരുമനസ്സുകൊണ്ടു അതിതല്പരനാണ്. അവിടുന്നു ലോകത്തെ അത്ഭുതപ്പെടുത്തുന്നതു് ഇതാദ്യമായിട്ടല്ല. രാജ്യഭരണം കയ്യേററു അധികം കഴിയുന്നതിനുമുമ്പു് കപ്പൽ കയറുക എന്ന— തിരുവിതാംകൂറിലെരാജകുടുംബാംഗങ്ങൾ അനുഷ്ഠിക്കാത്ത— അനാചാരം ധ്വംസിച്ചു് തിരുമനസ്സുകൊണ്ടു് മററു രാജകുടുംബാംഗങ്ങളുമൊരുമിച്ചു ഇംഗ്ലണ്ടിലേക്കുപോയി. യുവാവായ തിരുമനസ്സ് തന്റെ പ്രജകളെ ഭരിക്കുക

[Mr. A. N. Visvanatha Pillai.]

മാത്രമല്ല നയിക്കുവാൻകൂടി കഴിയുമെന്ന് അവിടുന്ന് ലോകത്തിനു കാണിച്ചുകൊടുത്തു. പുരോഗമനപൂർവ്വമായ ഇത്തരം പരിഷ്ക്കാരങ്ങൾ തിരുമനസ്സിലെ യുവപ്രജാവൃന്ദം എന്നും സ്വാഗതംചെയ്യുമെന്നു തിരുമനസ്സറിയിക്കേണമെന്ന് ഞാൻ അപേക്ഷിക്കുന്നു. തിരുമനസ്സിൽനിന്നും കഴിഞ്ഞ തിരുനാൾദിവസം ചെയ്ത ധീരമായ ക്ഷേത്രപ്രവേശനവിളംബരം ഏതിനോടെങ്കിലും സാദൃശ്യപ്പെടുത്തുവാനുണ്ടെങ്കിൽ അതു്, അടിമവ്യാപാരം നിറുത്തൽചെയ്തുകൊണ്ടുള്ള എബ്രഹാം ലിങ്കന്റെ വിളംബരത്തോടുമാത്രമാണ്.

ഇപ്രകാരം ജനോപകാരപ്രദങ്ങളായ പ്രവൃത്തികൾ ചെയ്യുന്നതിനു ഉപയുക്തമാംവിധം തിരുമനസ്സിനെ ബാല്യംമുതൽ വേണ്ട അറിവു നല്കി വളർത്തിക്കൊണ്ടുവന്ന പരിഷ്ക്കാരേച്ഛുവായ അമ്മമഹാറാണി തിരുമനസ്സിനേയും ഈ സന്ദർഭത്തിൽ അനുചിതമാംവണ്ണം ഞാൻ അനുമോദിച്ചുകൊള്ളുന്നു.

അങ്ങയെപ്പററി എന്റെ മാന്യസ്നേഹിതന്മാർ പറഞ്ഞ എല്ലാ അഭിപ്രായങ്ങളോടും ഞാൻ പൂർണ്ണമായി യോജിക്കുന്നു. ഇപ്രകാരം ഒരു വിളംബരം പ്രസിദ്ധംചെയ്യുന്നതിനു ധൈര്യപൂർവം വേണ്ട ഉപദേശങ്ങൾ നല്കിയ സചിവോത്തമനായ അങ്ങയെ തിരുവിതാംകൂറിലെ യുവജനങ്ങൾ സ്വാഗതംചെയ്കയും പുരോഗമനപൂർവമായ ഏതൊരു പരിഷ്ക്കാരം നാട്ടിൽ നടപ്പാക്കുന്നതിനും യുവജനങ്ങളുടെ വേണ്ടവിധസഹായസഹകരണങ്ങൾ എപ്പോഴും ഉണ്ടായിരിക്കുന്നതാണെന്നു ഉറപ്പുപറയുകയും ചെയ്തുകൊള്ളുന്നു. അങ്ങയുടെ ധീരമായ ഈ ഉപദേശം തിരുവിതാംകൂറിനു ഇൻഡ്യയിൽ മാത്രമല്ല ലോകമാസകലം പ്രശസ്തിയും ഒരു ഉന്നതസ്ഥാനവും നേടിക്കൊടുത്തുവെന്ന് അതിശയോക്തി ലേശമില്ലാതെ പറയുവാൻ കഴിയും. തിരുവിതാംകൂറിനു വേണ്ടി അങ്ങ് ഇനിയും പ്രവർത്തിക്കുവാനുണ്ട്. ഫെഡറേഷൻ നടപ്പിൽവരാൻപോകുന്ന കാലമാണിതു.

തിരുമേനിമാർക്കും അങ്ങേക്കും ആയുരാരോഗ്യാദികൾ പ്രദാനംചെയ്യാൻ പ്രാർത്ഥിച്ചുകൊണ്ട് ഞാൻ വിരമിക്കുന്നു.

President: It has given me ineffable gratification to listen to what has been spoken, and, what is more vitally important than hearing the spoken word, it has given me indescribable pleasure to feel *en rapport* with the spirit that has animated those who have spoken. It will be my proud privilege to convey to His Highness the Maharaja the resolution which I have been charged to mention

to him as having been moved, seconded and supported in this House. In conveying the sentiments of this House to His Highness, I shall not fail also to communicate to him that sentiments were expressed, and words were uttered, not in a spirit of conventionality or of formalism, but that they came from the heart and were intended to go to the heart. It is a marvellous position for any Monarch or Ruler to hold, the position that His Highness holds today. Warlike deeds, rearmament, threats of defiance, the rousing of destructive instincts, national jealousies constantly augmented and multiplied, these are the manifestations which the world at large is witnessing with pain, with consternation and alarm. At such a juncture in the world's history, it has been the privilege of His Highness the Maharaja of Travancore, not to utter threats, not to be defiant, but to preach a message of unity, of harmony, of emancipation, of equality, of confraternity. He has not only preached a message but has translated it into instant action. That is no small thing for a Ruler to achieve and rightly has the voice of the representatives of his people congratulating him on his great work and offering him the respectful homage of his loving subject-population resounded with praise. Rightly too has the credit been given to Her Highness the Maharani. I am very glad that one of the most remarkable features of the Travancore Royal Family has been properly appreciated and properly described. "Uneasy lies the head that wears the Crown" said the poet. Wherein does that uneasiness lie? The uneasiness of Rulers lies in their isolation, in their segregation, in their aloofness. The very exaltation of their office, the very grandeur of their position, makes their loneliness often inevitable. They have not much chance to take intimate counsel. But a most stimulating and happy domestic life has been the lot of His Highness the Maharaja of Travancore. Such has not been the lot of many others in like positions. You are therefore right in emphasising the part played by Her Highness in training His Highness into becoming what he is and in having given him that counsel and support without which this reform and like reforms can never see the light of day.

Many, and in fact far too many complimentary words have been said in this House about me. When such words are uttered, I have always said—and I shall say it again to day—that they do not produce any particular exultation in me but fill me with a profound sense of responsibility and anxiety tempered by the feeling that perhaps those words need not be uttered now but could have been reserved for the time when I lay down my office. But my consolation is that in the work like advising on and passing the Proclamation I have been of help to His Highness and that I have earned the goodwill of representatives of all sections of the people of this State.

[President.]

You have spoken at length about the recent Proclamation ; I too want to say a few words about it. To me, it is a miracle. Why is it a miracle ? I had anticipated the applause of those working for social reform, men who had pledged their lives for bringing about such changes. I was certainly not prepared for that enthusiastic adherence, for that loyal co-operation and for that self-effacing tolerance with which the orthodox community all over Travancore has helped the great effort, the difficult task of His Highness. All honour to those who, enthroned on the citadel of orthodoxy, enshrined in the temples of custom, have nevertheless come out into market-places and manifested their sense of unity with the people at large and have exhibited an attribute which, as I have always maintained, is characteristic of Hinduism. It was really a very agreeable surprise to me that there was no reactionary agitation, no hindrance to progress, from any community. I have received news of what happened yesterday at Vaikam during the great Ashtami festival. Orderliness, perfect harmony, co-operation among all people, of which Mr. C. Rajagopalachari spoke so well and wisely the other day, oneness of sentiment, unity of outlook, these and nothing else characterised the festival crowds at Vaikam. That is the glory of this country. Let us hold fast to it. We have a great Ruler, one whose whole life is dedicated to our service. We have got a Sovereign with domestic surroundings which make his work easier of achievement. We have got an alert, lively and intelligent population able to appreciate the Ruler and his work in proper perspective. Let us hold fast to that tolerance which has been manifested, to that unity of which I have spoken. Let the newly-achieved Hindu solidarity lead to solidarity as between all communities and in all things. Let it lead to that national oneness for which India has been yearning for many many centuries.

That leads me up by a natural transition to what has fallen from many honourable members regarding Federation. I do not propose to shirk the issue. The question of the discussion with the special representatives of His Excellency the Viceroy has been engaging the attention of His Highness and of His Highness's Government, and I have felt it my duty when I am addressing the Legislature of this country to tell you exactly what the general position is. I do not believe that, in matters of this kind, you should be kept in the dark as to the broad outlines.

With regard to the exact negotiation, the proposals that have emanated from one side and the counter-proposals that have been initiated by the other, I cannot disclose the details. If things are said and consultations took place under the seal of secrecy, if communications and discussions are confidential, it will be the duty of

the person taking part in such discussions, to respect that secrecy. And I for one, shall not advise His Highness to be a party to a breach of that pledge. I am therefore not in a position to tell you all about the negotiations. But I want to make absolutely clear to you what the position is with regard to the talks that have taken place between the Lothian Committee and His Highness's Government in Travancore. I can tell you that the negotiations are by no means final, by no means definite or clear-cut. They are part of a series of negotiations which will eventually lead, we hope, to an equitable settlement of the various problems which is a pre-requisite of Federation.

Now, what does Federation mean? It means that whereas until now the British Provinces have been conducting their administration in their own way, under the superintendence and control of the Secretary of State and his agents, including the Governor-General, whereas the Indian States have been conducting their affairs in their own way although under the guidance of the Paramount Power without any impact or direct repercussion upon the Government of British India, and with no voice as to matters of policy relating to the whole country, whereas until recently in the matter of customs and so forth, Indian India had no say *vis a vis* British India, to-morrow—whereas it is possible that a certain impost or duty, determined upon by the Legislature in Simla or in Delhi though it may work against the interests of the Indian State cannot be objected to or modified since the States are not represented in the Legislature or in the Executive of India—, if our present negotiations do not turn out infructuous and they result in an effective Federation, it will be possible for the representatives of Indian India to foregather with the representatives of the various Provinces of British India so that a common programme may be formulated and common ideals may be worked for. That is Federation. Federation is also a coming together of various self-governing units on a common basis without any sense of inferiority on the part of any of such units. That is another essential and fundamental requisite of Federation. What do I mean? His Highness will not go into the Federation as inferior to any other unit of the Federation but as a coequal and effective partner and this aspect must be always borne in mind. Let us realise exactly what Travancore stands for. I am not flattering this House or through this House the people of Travancore. But, the position is clear that, in standards of administration, in the desire to ameliorate the condition of the people, and in the programme of amelioration, in the demands made upon the public revenues for the purpose of nation-building activities, Travancore stands second to no other unit

[President.]

of the coming Federation. Its population is large, even embarrassingly large. Its area is small. But its population is composed of people who know their own minds and who are not under any handicap in the matter of expressing what is in their minds. The people naturally expect that all that they want to achieve should be achieved without any difficulty or hindrance and they have made it very clear that all the present and growing revenues of the country should be safeguarded and retained in view to the commitments and programme of the State. The people should also realise that by entering into the Federation they would really be *giving* something to the Federation and not merely be *taking* from it. First of all we would be contributing to the Federation a distinctive outlook and a distinctive culture. Not only that. I make bold to say that in practical efforts and in the programme we have set before us for the advancement of the people, we are in no way worse than any Provinces in British India. Educationally and politically Travancore is abreast of the foremost units and in advance of most. I shall content myself with the statement that no single unit has greater needs than Travancore, and many units have more resources than Travancore. Why do I say that ? The Government of India Act which lays down what may be called the broad details, the fundamentals of Federation, discloses that, in the list of what are called federal subjects, a large number impinges on the life of Travancore. Travancore, being a maritime State, and also by virtue of her treaties and engagements has many more subjects federal in character—customs, salt, excises, import and export duties—than many other States. The question of immunities and privileges, the question of our subsidy, the problem of postal services, of currency and coinage, the question of the revision of the Interportal Trade Convention which came into existence in 1865 when the import and export trade of Travancore was not remotely comparable with the import and export trade of to-day, these are matters which are of vital importance to Travancore. To summarise the position, to put it in a short compass, it may be said that, in entering the Federation, it should be realised that the subjects on which Federation will operate are probably more extensive in character than in regard to many other States. Therefore, care will have to be taken that we should not cripple ourselves in the matter of our resources, but we should make it possible for us in the future to expand our activities to the extent to which and in the manner in which an alert and wide-awake population like that of Travancore would endeavour and rightly endeavour to expand not only in their own interests but in order to be a powerful and useful partner in the Federation and not a drag or brake.

In the second place, the standards of our administration being what they are, executive and legislative authority will be exercised by the functionaries of our administration, in the matter of our High Court and various spheres of administrative activity and in this matter Travancore cannot be regarded as inferior in any manner to any other unit in the Federation.

Thus, therefore, the basic idea of those who negotiate the Federation will be to make it abundantly clear that, in entering into the Federation, Travancore will take great care with regard to the conserving of its resources and making further legitimate expansion of national progress possible. It will also have to be made clear that in no respect will Travancore be treated as inferior to any other unit of the Federation. But having said all this there is also another aspect of the matter, namely, that Federation necessarily involves the process of give and take. There is no escaping it. It cannot be all take and no give. Federation does mean some subtraction from sovereignity in certain respects and up to a certain point. Otherwise, there is no real Federation. For example, in the jurisdiction given to the Federal Court, in the jurisdiction given to the Viceroy, in the jurisdiction given to the Governor-General as the head of the Federal Executive, in all these matters there is subtraction from the sovereignty of the units to some extent. Federation means, if anything, consolidation and cohesion of various units. It represents the idea of one composite agency working for the common ends of several units. The path before Federation may be long; the way may be thorny. But the goal is certain, and the end is clear. That is the meaning, the significance of Federation. In order to achieve that, the units are rightly anxious to preserve, to augment their legitimate rights and resources. But it must not be ignored that in all great efforts of this kind some sacrifice is essential. The question before His Highness, before His Highness's Government, is to harmonise the giving with the taking. If the process of give and take is equitable and just and the spirit of unification can be reconciled with the rights and claims of the units the Federation will surely be a success.

I want this House to realise that this negotiation for Federation is a process which may end triumphantly provided those responsible on the one side and on the other, pursue these ideals. If the process of compromise, of give and take, is resorted to in the spirit in which, with all humility I have endeavoured to describe it, I have no doubt in the success of Federation. His Excellency Lord Linlithgow is a statesman with vast experience of the peasantry of India, a person of great ideals and a steadfast and strenuous worker; and he has succeeded a Viceroy who, for his rare sympathy

[President.]

and genuine instinct for friendship, was remarkable. Both are friends of India. Both desire to bring Federation into being. When Federation comes into being let us hope it will be a powerful combination of satisfied units working in full concord. Let me also tell you, that the negotiations have just been started and that we have passed only the first mile stone. There may be many hurdles to jump over, many corners to round, many difficulties to be confronted and solved. But, in surmounting such difficulties, the people of the State and the legislators of the State have the inestimable benefit of a wise and self-dedicated Ruler. His Highness, the scion of an ancient and proud dynasty, will not let down the position of his country and will do his best for it. I want this House, and through this House the country, to realise that His Highness has already given proofs that he is not a Ruler with parochial ideas but one who feels as an Indian, as an universalist. Therefore, if he decides on joining the Federation he will do it in the interests of India as a whole, not sacrificing the interests of his country but realising that he and his State can play a great part in the commingling of minds and energies which is the meaning, the justification and the ideal of Federation.

The motion was put to vote and unanimously carried.

The Council adjourned for lunch at 1 P. M. and re-assembled at 2 P. M. with the President in the Chair.

Secretary to the Council:—Sir, the following messages have been received from the Secretary to the Sri Mulam Assembly :

(1) " Under Rule 43 of the Travancore Legislative Rules, I am directed to inform you that The Travancore Survey and Boundaries Regulation (Amendment) Bill which was passed by the Sri Chitra State Council on the 30th January 1935, was passed by the ri Mulam Assembly at its meeting held on the 24th November 1936, with the following amendments :

1. Clause I, sub-clause (1). The figure "1112" was substituted for the figure "1110".
2. Clause II. Under Section 34 (2), the portion beginning with "but', in line 4 and ending with ' survey mark" in line 6 was deleted and the words "where such mark or object has been proved to be erected or placed by the accused" were inserted between the words "and" and 'recover" in line 8.

The Sri Mulam Assembly requests the concurrence of the Sri Chitra State Council to the amendments"

(2) "Under Rule 43 of the Travancore Legislative Rules, I am directed to inform you that the Travancore Boilers Bill, which was passed by the Sri Chitra State Council on the 28th May 19:5, was passed by the Sri Mulam Assembly at its meeting held on the 19th November 1936, with the following amendment:

Clause 1, sub-clause (i) . The figure "1112" has been substituted for the figure "1110"

The Sri Mulam Assembly requests the concurrence of the Sri Chitra State Council to the amendment".

Rao Bahadur A. Rangasvami Aiyar :

Under Rule 76 of the Travancore Legislative Rules, I beg to lay on the table the following statement of expenditure authorised by the Government under Section 32 of Regulation II of 1108.

Demand.	Amount in Rs.	Particulars.
I. Public Works Department.	33,000	For the payment of the balance amount due for the purchase of a Grab Dredger for the Alleppey Port, etc.

President : The House will now proceed to consider the next item in the agenda for to-day.

LEGISLATIVE BUSINESS.

The Travancore Agriculturists' Relief Bill.

Mr. Kayalam Paramesvaran Pillai : Sir, I beg to move that the Travancore Agriculturists' Relief Bill as passed by the Sri Mulam Assembly be taken into consideration.

Mr. K. George : I second it.

Mr. Kayalam Paramesvaran Pillai : Sir, I am sure that at this time of the day it is quite unnecesary for any one to make an attempt to prove that the agriculturists are indebted or that the burden of their indebtedness is growing day by day since the last six or seven years. The agriculturist has always, perhaps been in debt but that need not cause any undue alarm ; for, all accounts of agricultural indebtedness presented have been presented without any reference to the assets. Particularly in Travancore many agricultural debtors are creditors too and part of the debts of the agriculturists must be due to agriculturists and therefore must necessarily form part of the assets of the agriculturists. The present time, however, is very peculiar, and the House is aware, there has been a phenomenal fall in the price of agricultural products and that fall has been continuing for the past six or seven years. Though there is a slight lifting up of the cloud it cannot be said that a decided turn for the better has been taken. The agriculturists, in normal times, were able to pay the interest on their debts and even portions of the principal, out of the moneys realised by the sale of their agricultural products. But owing to this unhappy fall in prices of agricultural products, the agriculturist began to feel difficulty in meeting the demands on him. The House need not be reminded that agriculture is the basis of all

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wealth here as elsewhere and certainly in Travancore where the bulk of the population follow the occupation of agriculture. Government took note of the fact and they appointed a committee last year to enquire into the whole problem and to make recommendations for the alleviation of the distress of agriculturists. The committee duly reported and the report was placed in this House and also in the Lower House for being discussed. In the light of the recommendations of the committee and in the light of the debates in both the Houses Government formulated their legislative proposals for relief in a Bill which was placed before the Assembly in April last. The Assembly passed the Bill with slight modifications, and the Bill as passed is now placed before this House for its concurrence. I shall now briefly explain the scheme of the Bill. Three methods of relief are proposed in the Bill. They are: (1) conciliation of debts, (2) reduction of interest on debts, and (3) concessions in the execution of decrees for debts.

I shall presently explain each of these three methods. But, before I do that, I must say to whom it is that these reliefs would be extended and in respect of what kinds of liabilities these relief measures would apply. The persons to whom the relief measures would apply must be determined by reference to the definition of the term "agriculturist" given in the Bill; for it is to the "agriculturists" that the measures apply. The definition of the term "agriculturist" is given in clause 2 (*a*) which is as follows:

"'Agriculturist" means a person

(i) who earns his livelihood mainly by agriculture and also is either an owner or a tenant of agricultural land in Travancore or a servant of such owner or tenant, or

(ii) who earns his livelihood as a village menial paid in cash or in kind for work connected with agriculture;

and every junior member who as such becomes jointly liable with the karanavan or manager who is an agriculturist for the purpose of making the debt incurred binding on the tarwad or joint Hindu family shall, for the purposes of such debt, be deemed to be an agriculturist under this Regulation even though he may otherwise be a non-agriculturist."

This definition must be particularly noted by the honourable members. It will be seen it is very comprehensive in import and there is no limitation proposed by the amount of income or the extent of property of the agriculturist or the volume of his debts. Practically every person who has something to do with agriculture is an agriculturist and therefore practically every person in Travancore will come within the definition of agriculturist. Then in regard to debts in respect to which relief is proposed, its ambit may be seen from the definition of the term 'debt' given in clause 2 (*e*) which is as follows:—

'Debt, means any liability of an agriculturist, due in cash or in kind secured or unsecured, payable under a decree or order of a Civil Court or otherwise, and whether mature or not, but shall not include—

(i) any debt or other liability due to Our Government, or
(ii) any land revenue or anything recoverable as an arrear of land revenue,"

And so on. Certain exceptions are given which may be perused. It will be seen that no limitation as to volume is proposed in order that any liability may become a "debt" within the purview of this Bill. Elsewhere such limitations are put. There is sometimes an upper limit and sometimes a lower limit also, say, for instance, that liabilities below Rs. 100 shall not be deemed a debt or say, those above Rs. 10,000 shall not be deemed a debt for purposes of relief. The House will notice that under this Bill every debt from rupee one to lakhs of rupees will come within the purview of this Bill. I draw the attention of this House to this fact rather early in order to impress on the House that the proposals of Government for relief are far-reaching. But they do not grudge their task as they are always conscious of the importance of agriculture to the State and the necessity for setting the agriculturists on their feet. I trust that this comprehensive nature of the proposals will be borne in mind by the honourable members when they try to examine and appraise the various proposals contained in this Bill.

Now I shall explain the first method of relief, namely conciliation of debts, provisions in regard to which are contained in Part II of the Bill. Conciliation is an amicable settlement between debtors and their creditors and amongst the creditors *inter se* towards the discharge of the debts. This may be seen from clause 3, sub-clause (1) which reads,

"Our Government may, for the purpose of amicable settlement between debtors and their creditors and among them *inter se* if there be more than one creditor of the same debtor, (hereinafter called Conciliation), establish "Debt Conciliation Boards."

This is conciliation which briefly is an adjustment of the debts of the debtor. The machinery proposed for bringing about this conciliation is a Board, which would consist of a single officer called Conciliation Officer. That may be seen from clause 3 (1) (*d*) of the Bill. Clause 3 (1) (*a*) provides a Board being established. Then clause 3 (1) (*d*) says:

"The Board shall consist of only one member (hereinafter called Conciliation Officer) who is either an officer or is appointed as an officer in the service of Government."

That is to say, this Board will consist of a Government official and there will be no non-official element. I draw attention to this because, as the House will remember, one of the criticisms levelled

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against the Board proposed by the A. D. R. Committee was that if the Board is to include non-officials also the board will not function properly and that therefore the Board should consist of only officials.

Mr. E. P. Varghese: May I know what were the recommendations of the A. D. R. Committee?

Mr. Kayalam Paramesvaran Pillai: The committee proposed three members for the Board, one of them being a Government officer.

Now the proposal in the Bill is that there should be only one person in the Board and that one person must be a Government officer. The fuction of the Board is to conciliate debts. The Board will bring together the debtor and all his creditors and propose to them various methods of settlement in view of the debts and assets of the debtor, the economic condition of the debtor and the creditor and such other things. Such is the nature of the function of the Board. This may be seen from clause 12. This clause lays down :—

> "It shall be the function of the Board to propose and make concillation of all the debts, (including a settlement as to the manner of fully discharging the debts) as between the debtor on the one hand and the creditor or creditors on the other, and as among the creditors *inter se*, if there are more creditors than one."

In regard to the particulars of the amicable settlement itself and what factors should be taken into consideration in proposing the settlement it is very difficult to lay down any rigid rules of law. It must be left to a large extent to the individual judgment and discretion of the Conciliation Officer. Certain lines are, however, indicated in the Bill as a guide to the Conciliation Officer in these matters. Clause 13 indicates the matters to be taken into consideration. Clause 13 reads :

> "In proposing and making the conciliation the Board may take into consideration the following *inter alia, viz,* ... ..."

Then various points are detailed. I need not read all that. Sub-clause (*b*) points to the amount of each debt and sub-clause (*c*) to the amount of interest already paid particularly after the commencement of the year 1105 M. E. This year, it should be noted is the commencement of the depression period. The ability and the economic condition of the debtor are important factors. Clause (*j*) deals with it and refers to "the needs of the debtor and the necessity for leaving as far as possible a margin of property for the debtor's subsistence." Now these are but general indications of the

points to be considered by the Board. But they are by no means exhaustive nor are those considerations compulsory on the Conciliation Officer.

Mr. G. Narayana Aiyar : In view of the high power given to the Conciliation Officer may I know what is the status of that officer to be appointed ?

Mr. Kayalam Paramesvaran Pillai : Government have not finally decided it.

Mr. G. Narayana Aiyar : Unless that position is definitely settled how can the Assembly or anybody else fully trust to the award given by the Conciliation Officer ?

Mr. Kayalam Paramesvaran Pillai : The award will not become effective unless accepted by the parties. Government will consider the question carefully and will appoint men of proper status. The officer has to be carefully chosen. He must be possesed of the proper temperament and judgment and must have aptitude to deal with human beings so that he may induce the parties to accept the settlement proposed.

Mr. G. Narayana Aiyar : May I know whether the House will be given an opportunity to discuss the propriety of appointing particular persons ?

Mr. Kayalam Paramesvaran Pillai : I cannot promise that. No, it is not at all likely. But the House will have opportunity of discussing it, I dare say when the Budget is discussed.

Sir, I had adverted to the various points to be considered by the Conciliation Officers and then......

Mr. Komilezhathu Sankaran : May I know whether the Conciliation Officer would be given any direction as to the principles to be followed in the valuation ? Without valuing the assets you will not be able to adjust the debts.

Mr. Kayalam Paramesvaran Pillai : He will have ample facilities. Even as a judicial officer deciding on the valuation of the assets, the Conciliation Officer also will decide.

Mr. M. N. Paramesvaran Pillai (*Municipal Councils*) : Does the member think that in view of the fall in prices in the agricultural products the valuation officer will value the assets of the debtor proportionately ?

President : I realise the importance of this subject and the natural desire of the honourable members of this House to get the fullest elucidation of the very difficult points arising on this Bill. But I would, for the purpose of enabling the discussion to go on smoothly, request the honourable members not to put questions now. I am probably allowing the Law Member to reply and he

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will then answer all points raised. If all these questions are asked now, I think it will take an unduly long time to finish. But if there is any point that is urgent and arises out of any observation made I shall not stand in the way. But the questions on policy may be reserved for speeches and after the speeches the Law Member will deal with the matter and he or any other spokesmen on behalf of Government will elucidate it.

Mr. Kayalam Paramesvaran Pillai : Sir, I was dealing with the various considerations which would weigh with the Conciliation Officer in proposing a conciliation. The House must have noticed that the payment of any interest made after the commencement of the year 1105 is particularly to be considered. That, as I said, is the beginning of the depression period as found by the A. D. R. Committee and therefore every Conciliation Officer would be taking into consideration the amount of any interest paid by the debtor after the commencement of the depression. In regard to the various methods of adjustment between the creditor and the debtor, they must be left to the free judgment of the Conciliation Officer. We cannot lay down any rigid rule. But certain methods are indicated in the Bill which are only illustrative rather than exhaustive. These methods are given in clause 15 which reads thus :—

> "The manner of the conciliation shall be in the discretion of the Board and may for example"—(the House will notice the words 'may for example')—"be as follows :—(*a*) that the debtor pay the creditor or creditors forthwith, or within a time to be fixed by the Board, a lump sum in cash in full settlement of all the debts, the amount of such lump sum being fixed by the Board having regard to the facts enumerated in Section 13 and to the amount which the debtor may raise by mortgaging his entire properties to the State Land Mortgage Bank or to some such recognised institution."

This then is one method. Another method is in clause (*b*) which read thus :—

> "(*b*) that a portion, say one-fourth, of the assets of the debtor be left to the debtor free from all liability for his debts and the balance left to the creditor or creditors to be appropriated by them or to be sold and the sale proceeds distributed amongst them, it being also laid down how the property or the sale proceeds, as the case may be, shall be distributed amongst the creditors, if there are more creditors than one."

A third method is also laid down in clause (*c*). It is this :—

> "(*c*) that the debtor pay either the entire amount of the debts or a reduced amount in full settlement in instalments spread over a number of years to be fixed by the Board, the debtor giving security for the due payment of the instalments and it being provided that, if any instalment is defaulted, such instalment and interest thereon alone be recovered, but that, if three consecutive instalments are defaulted, the entire amount remaining due to be recovered".

Then there is also the provision to all clauses which is:—

"Provided that under no circumstances shall any reduction be made with respect to debts incurred after the date of the commencement of this Regulation except with the consent of the creditor."

These methods are laid down or rather indicated as illustrations to make the Conciliation Officer appreciate what the sort of thing is that he has to do, and not as any rigid rules within the four corners of which alone he should act. It will be quite competent to the Conciliation Officer to propose these or any other kind of adjustment.

Mr. S. Piraviperumal Pillai: May I know whether there is any provision in this Bill which guarantees payment of the conciliated amount by the Board from the Land Mortgage Bank?

Mr. Kayalam Paramesvaran Pillai: No, there is no provision to guarantee. It is expected or presumed that arrangements may be made for the conciliated amount being advanced by a Land Mortgage Bank or any such institutions. That is what is indicated in clause (*a*).

Mr. S. Piraviperumal Pillai: May I know why provision has not been made in this Bill to enable a debtor to guarantee payment from the Land Mortgage Bank?

Mr. Kayalam Paramesvaran Pillai: That is not within the scope of this Bill.

Mr. G. Narayana Aiyar: May I know whether Government will be a party to conciliation in case of big amounts that are due to Government?

Mr. Kayalam Paramesvaran Pillai: No.

Mr. G. Narayana Aiyar: How then will the Conciliation Officer be able to distribute the amount?

Mr. Kayalam Paramesvaran Pillai: The amounts due to Government are generally land revenue and in some cases there may be agricultural loan also. The amount of these will be ascertained by the Conciliation Officer if that becomes necessary.

Sir, various methods of conciliation such as those indicated in clause 15 will be proposed to the parties by the Conciliation Officer. The conciliation will become binding on the parties if all of them agree. If anyone of them dissents the whole thing is gone and the parties will be at liberty to pursue through normal remedies to enforce their legal rights. To lay down that if any party disagrees the whole proposal for concilintion must go may be undesirable and therefore it is provided in the Bill that some penalties must accrue if any party unfairly disagrees to the conciliation proposal. That is laid down in clauses 17 and 19 read together. It is laid down that even if the parties do not agree to the conciliation proposal it will

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be quite open to the Conciliation Officer to issue what is called a certificate as to what would be a fair settlement having regard to all the circumstances of the case. If a creditor brings a suit in regard to any debt covered by a certificate, the Court may, having regard to the certificate disallow costs or reduce the interest due from the year 1105. These are the important clauses. Clause 17 merely provides for the issue of the certificate. I need not read it. Clause 19 is however a very important clause and must be carefully studied by honourable members.

> "If in respect of any debt covered by the certificate of the Board the creditor institutes a suit or makes an application (not being an application under Section 18) in any Civil Court, such Court, having regard to the certificate and the conduct of the parties in connection therewith, may in its discretion, disallow in whole or in part the costs of the suit or of the application, as the case may be, and may also, in its discretion, reduce the amount of the interest remaining due for the period from and after 1st Chingam 1105 up to the date of the decree or order or the application, as the case may be, by reducing the rate of interest to any rate which is not less than either one-half of the stipulated rate or four per cent. per annum whichever is higher."

It is well known that the usual rate of interest is 12 per cent. and it will be noted therefore that if the creditor was not amenableto a fair conciliation as suggested by the Conciliation Officer and if a certificate has been issued by the Conciliation Officer showing what the fair conciliation is, the Court may reduce the interest by one-half and it may be reduced to 6 per cent. If the interest fixed by the contract was 10 per cent, then it may be reduced to 5 per cent. This interest reduction may be made to take effect from the 1st Chingam 1105. This is very significant because that date is the commencement of the depression as stated already. The effect then of the provision is that if a party unreasonably disagrees to any fair conciliation, the interest due to him from the commencement of the depression period may be cut down to one half or four per cent. and this cutting down may be made retrospectively.

Mr. M. N. Paramesvaran Pillai: Is it not known that even under the existing law a creditor is not entitled to get more than Aravasi?

Mr. Kayalam Paramesvaran Pillai: Yes, until the suit is filed, but not as regards the period after the suit is instituted. This clause, it must be noted, applies not merely to debts which are not subject of suits but also to decree debts. It will be interesting to those who take the view that interest should be cut down retrospectively from 1105, that even that is provided for in this Bill with this condition or limitation that the interest reduction will apply

only to that man who deserves, that is to say, who is presumably unable to pay his debt. There is however no provision that the interest should be reduced retrospectively in the case of every person indiscriminately, say, in the case of a person who is able to pay his debts. That distinction must be carefully noted. It has been a criticism in some quarters that no provision whatever, has been made in the Bill for the reduction of interest that accrued during the depression period. To that, the reply is of course that in the case of those who deserve a reduction there is provision in the Bill. They have only to go to the Conciliation Officer and have their debts scaled down and if that is not agreed to by the creditors to get a certificate from the Board and produce it before the Court.

Mr M. N. Paramesvaran Pillai: Is there any penalty imposed upon the debtor if he is not able to act even according to the decisions of the Conciliation Officer?

Mr. Kayalam Paramesvaran Pillai: No. None specifically. The Court will undoubtedly decree the full amount which may be executed against the debtor.

Sir. Mr. Paramesvaran Pillai speaks of "decisions" of the Conciliation Officer. Perhaps he has not fully caught the point. The conciliation proposed by the officer will take effect only if agreed to by the parties. If agreed to, the agreement becomes a decree of Court. But if any party disagrees, there can be no decree at all. The only thing that the Conciliation Officer can then do is to issue a certificate. This certificate is merely a record to say that the Board has considered such and such things and has proposed such and such settlements and that in such and such a manner the conciliation fell through. It does not contain any decree or order. This certificate may be taken into consideration by a Court. The Court is not bound by it. It merely considers the certificate and comes to its own judgment in regard to the reduction of interest and costs. That is what is provided for and contemplated in clause 19.

Mr. G. Narayana Aiyar: In view of the fact that the Munsiffs have got only jurisdiction to try cases the value of which comes to Rs. 2,000, and in case certificates which involve more than that amount, say a lakh of rupees are disposed of by the Munsiffs, shall we not be usurping the powers of the District Judges?

Mr. Kayalam Paramesvaran Pillai: It is not the certificate that is executed. Certificate is merely a declaratory record. If there is agreement between the parties, that agreement would become a decree of Court. If there is an agreement for say Rs. 4,000 how can a Munsiff execute it? That apparently is the question. I need only say in reply that even now Munsiffs can execute such decrees. The decrees must be passed by the District Court, but may be executed by even a Munsiff.

Mr. G. Narayana Aiyar: In the provisions of this Bill the Munsiff's Court is given powers to pass a decree... ... ...

Mr. Kayalam Paramesvaran Pillai: No such power is given. The Court's decree will be on the debt and will be made by the appropriate Court only. The certificate will be considered by that appropriate Court, whichever that Court may be. The decree by the Court will be on the debt and not on the certificate which merely goes in as one item of consideration in the matter of interest and costs.

Now then, this is the general scheme of conciliation that is proposed in the Bill. A criticism is very often made, that if conciliation is such that it will not have effect unless all parties agree, then what is the use of this Conciliation Officer and the Conciliation Board, the penalty for disregard of the Board's proposals being but very light not being in any case more than a disallowance of costs of the suit or a reduction of interest. Again a criticism is very often made (and I think there is also an amendment to the effect) that there must be a universal scaling down of debts proportionate to the fall in the prices of the agricultural products and that otherwise there will be no relief. I shall deal with these. In regard to the general scaling down, proportioned to commodity prices, it may be good arithmetic but it will not be justice and would any case be opposed to public policy as it would shatter all credit. No society can exist under the present day conditions unless the rule of law is observed. When Travancore is in the process of being rapidly industrialised the written word between man and man, between party and party should be compelled to be respected. If anybody feels that the written word between man and man is not respected in this State and that the legislature will help the word being broken, then where is credit? And this exactly is the scaling down of debts, a violation of the contract between man and man. We should not tolerate it. It is not also justice between man and man to scale down the debts for the mere reason of a fall in commodity prices. The scaling down must be adjusted to the circumstances of each case and should not be compelled. Therefore the scaling down must come as a part of conciliation, and it is that that the Bill provides. Although conciliation is not binding, it may be induced to be accepted. One such inducement offered is a payment in cash, of the conciliated or scaled down debt. The Agricultural Debt Redemption Committee found that many creditors were willing to scale down their debts by even 50 per cent. if the balance of 50 per cent. be paid in cash. Thus a payment in cash is a permission to a conciliation being accepted by the creditor. For this cash payment there must be some bank to advance the scaled down or conciliated debt. The debt must necessarily be scaled down in many

cases, because the money that the Bank will advance must be within the limit of the present value of the assets of the debtor which it is presumed is not sufficient to pay the debts in full. Thus the inducement of cash payment will induce the conciliation to be agreed to by the parties. The merit of the Conciliation Officer will be in making the conciliation agreeable by means of persuasion, one kind of which is the cash payment. The importance therefore of the method of conciliation indicated in clause 15 (*a*) will thus be obvious. The methods indicated in clauses (*b*) and (*c*) also will act as effective inducements to the conciliation being accepted. These offer immediate and expeditious settlement which is much better and more paying than a recovery of money after long drawn proceeding taken through courts of law.

Mr. M. N. Paramesvaran Pillai: May I know from the member whether the Conciliation Officer appointed will be able to assess the assets of all the debtors that appear before him for conciliation?

Mr. Kayalam Paramesvaran Pillai: That will depend upon the local jurisdiction that is given to him.

Mr. M. N. Paramesvaran Pillai: May I know whether it is open for either creditor or debtor to act in violation of the decisions arrived at by the Conciliation Officer on appeal in the Courts?

Mr. Kayalam Paramesvaran Pillai: Nothing is binding on anybody unless he accepts it. There is no question of the violation of any decision. Conciliation will not be binding on anybody unless he fully and openly accepts it and agrees to the proposals of the Conciliation Officer. In regard to violation, the material point is whether the Bank will accept the valuation.

Mr. M. N. Paramesvaran Pillai: May I know whether it is open to a party to back out of an agreement wherein the conduct of the Conciliation Officer is not satisfactory and if he has any objection to the conduct of the Conciliation Officer?

Mr. Kayalam Paramesvaran Pillai: He may.

Mr. M. N Paramesvaran Pillai: In that case will he be penalised?

Mr. Kayalam Paramesvaran Pillai: The Court may take that into consideration.

Now, Sir, the conciliation then is a delicate thing and will become useful and effective only in the hands of proper men. We want men of the proper temperament and aptitude to perform the duties of Conciliation Officers. We want persons who can command respect in the community and whose words of advice will be respected by the people and who will, in short, be treated as a friend, philosopher and guide to the debtors as well as creditors, both of

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whom must be made to feel that they can look to him for guidance. If such men can be had, I believe that it is possible to make conciliation effective and bring complete relief to all the agriculturist debtors as also creditors, in this land.

Mr. E. P. Varghese: Are such men available among officers?

Mr. Kayalam Paramesvaran Pillai: Presumably. So far about conciliation. Next, about the other two methods of relief. I shall not take much time to expound them. One is the reduction of future interest on existing debts and the limitation of interest on future debts. The maximum rate of interest hereafter recoverable will be 6 per cent. in respect of the existing debts due in money and 9 per cent. in the case of debts due in paddy. On future debts which are unsecured the maximum interest that will be allowed is 9 per cent. and in the case of secured debts 6 per cent. This may be seen from clauses 34, 35 and 36.

In regard to the third method namely concessions in regard to the execution of decrees, one concession that is given is laid down in clause 33 of the Bill. This provides in effect for money decrees being converted into instalment decrees, the instalment not to exceed 24 in number and the total period of the instalments not to exceed 12 years. This may no doubt have the appearance of delaying the rights of the creditor. But it is no new principle. The principle has already been recognised and accepted in the Civil Procedure Code, in which Order XX, Rule 11 lays down that,—

> "Where and in so far as a decree is for the payment of money, the Court may for any sufficient reason at the time of passing the decree order that payment of the amount decreed shall be postponed or shall be made by instalments with or without interest notwithstanding anything contained in the contract under which the money is payable."

So then even to-day the principle of recovery in instalments is recognised. All that is now proposed by clause 33 of the Bill is that the instalment payment may be ordered even after the passing of the decree. Another concession in the matter of the execution of decrees is in regard to the arrest of debtors. This is contained in clause 37 of the Bill which makes an amendment in Section 48 of the Civil Procedure Code. I have no doubt that the honourable members have read the clause. The effect of it is that every agricultural debtor would be free from arrest provided he has acted *bona fide* and has not got sufficient assets with which to discharge the debt. That again is a concession which the agriculturist will be glad to enjoy.

Mr. G. Narayana Aiyar: Supposing the subscriber of a chitty is an agriculturist and the starter of the chitty is a non-agriculturist. The subscriber may get the benefit or concession of paying the subscriptions distributed in various instalments. The starter of the chitty if he does not pay the amount as provided for in the Chitty Regulation before the next instalment is doubly deemed to be a defaulter. The Regulation provides that unless the amount was deposited in the Government Savings Banks he shall be a defaulter and shall not conduct the next instalment.

Mr. Kayalam Paramesvaran Pillai: The instalment payment may not seriously prejudice the chitty foremen. It must be assumed also that the Court will not order instalment payments except in proper cases.

Mr. G. Narayana Aiyar: In the absence of express provision, how can it be ascertained whether a debtor is capable to pay or not?

Mr. Kayalam Paramesvaran Pillai: The parties will tell the Court and the Court will decide the matter.

Mr. G. Narayana Aiyar: Is there any provision for the valuation of the assets of the debtor?

Mr. Kayalam Paramesvaran Pillai: An express provision is not necessary. The assets will be valued if necessary.

Mr. S. Piraviperumal Pillai: May I know why in limiting the interest, bankers are not given a higher rate of interest in view of the risks they have to undergo?

Mr. Kayalam Paramesvaran Pillai: The Bill provides only for the reduction of future interest. The Banker can recover his principal amount at once and refuse to lend again if he is not satisfied with the rate of interest.

Mr. S. Piraviperumal Pillai: The Committee recommended a higher rate of interest to bankers.

Mr. Kayalam Paramesvaran Pillai: That relates to the past interest on existing debts. But the Bill reduces only future interest.

Mr. S. Piraviperumal Pillai: About limiting interest on past debts, if the banker is not satisfied, should he not be allowed a higher rate of interest?

Mr. Kayalam Paramesvaran Pillai: Past interest is not limited or reduced?

Mr. M. N. Paramesvaran Pillai: May I know whether there is any provision recommending the right of priority.

Mr. Kayalam Paramesvaran Pillai: There is no special provision, and none is necessary.

The conciliation, in which alone the question may arise, is not binding on anybody unless he voluntarily agrees to it. If he is not

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satisfied with it, he need not agree to it. The only penalty that may follow is the possible reduction of interest and this will be made only by a Court.

Mr. E. P. Varghese: May I know what objection there is to reduce the interest from 1105, the Court decreeing only 6 per cent?

Mr. Kayalam Paramesvaran Pillai: That will be expropriation if the creditor was entitled to get more than 6 per cent. Deserving debtors would however get the reduction under clause 19.

Mr. M. N. Paramesvaran Pillai: Has any distinction been made between the debt of agriculturist for agricultural purposes and the debt of agriculturists for non-agricultural purposes.

Mr. Kayalam Paramesvaran Pillai: No. The debt of the agriculturist is the agricultural debt.

Mr. G. Narayana Aiyar: Is it possible for the layman to get loans for small amounts at this low rate of interest anywhere in Travancore?

Mr. Kayalam Paramesvaran Pillai · I think Mr. Narayana Aiyar will be able to answer that better than I.

I may however mention that one of the points that influenced the Committee in recommending a reduction of future interest was that the agriculturist may be kept above the possibility of borrowing.

Mr. G. Narayana Aiyar: Is it not advisable to fix a minimum amount?

Mr. Kayalam Paramesvaran Pillai: It is inexpedient.

I have dealt with all the important provisions of the Bill and I trust that the general principles will be accepted by the House.

Mr. Kochikal P. Balakrishnan Tampi: Sir, under Standing Order 52, I wish to present a petition to the Council signed by 5 representatives of the chitty foremen of the State, representing that this measure is harmful to them and the subscribers of the chitties.

> The petitioners pray that Section 33, Cl. 5 of the Chitty Regulation be repealed or suitably amended so as to harmonise with the provisions of the Agriculturists' Relief Bill and to avoid the risk of involuntary termination of their chitties which would entail great hardship to the subscribers as well as to the foreman, and your petitioners further pray that the chitty assets being primarily liable the subscribers be compelled to proceed against the chitty assets before proceeding against the person and property of the foreman.
>
> Your humble petitioners pray, in conclusion, that in the discussion of the Agriculturists' Relief Bill in this House the above aspects be duly considered, that the interests of the vast body of chitty foremen in the State be duly safeguarded and protected.

The Secretary to the Council on the request of the President read the following petition:—

"..........Showeth that the aforesaid Bill as passed in the Legislative Assembly, is highly injurious to the interests of a large body of chitty foremen throughout the State, that as it is all the chitty subscribers would come within the wide definition of 'Agriculturists' who are entitled to the beneficial provisions of the Bill regarding reduction of interest, conciliation and payment in easy instalments, spreading over a number of years, that, on the other hand, the foremen are not given any corresponding relief in the running of the chitty scheme which entirely depends on regular payment by subscribers, that the heavy statutory responsibility imposed on the foremen, has not in any manner been lightened, that no relief is given to them, as against the penal provisions of the Regulation, that the Bill therefore, if it were to be passed in its present form, would result in the entire ruin of the foremen, and eventually of the unprized subscribers and they affect the economic stability of a large class of people, that ever since the commencement of the Debt Redemption movement, even those who are able to pay, have withhold payments, so that it has, even as it is, become impossible for the foremen to comply with the strict provisions of Section 33 Cl. 5 of the Chitty Regulation which provide that, in case the foremen fails to pay the whole prize money before the next instalment, the chitty shall be deemed to be terminated; that many of the existing chitties have already collapsed, and the foremen have become highly embarrassed, that few of them with pious hopes of speedy recovery of normal conditions are straining every nerve to avoid such a collapse as far as possible, that the demand for the payment of prize money in cash and that in a lump could not possibly be met by them, unless the subscribers from whom money is due to the foremen make their due payments in time; that, as it is, the result is that obligations have all become one sided, that, it would be highly inequitable therefore, to enforce Section 33 Cl. 5 of the Chitty Regulation any longer, that the chitty scheme being something like a partnership, and chitty documents its primary assets, it would be extremely unfair for one of the partners to be asked to pay cash to the other partners in a lump on appointed dates, keeping for himself chitty documents the face value of which has considerably fallen because of the several impediments thrown in the way of their realisation by this Bill, not to speak of the general fall in value of the chitty securities, and accordingly, your petitioners pray that Sec. 33 Cl. 5 of the Chitty Regulation be repealed or suitably amended so as to harmonise with the provisions of the Agriculturists' Relief Bill and to avoid the risk of voluntary termination of their chitties which would entail great hardship to the subscribers as well as to the foremen, and your petitioners further pray that the chitty assets being primarily liable the subscribers be compelled to proceed against the chitty assets before proceeding against the person and property of the foreman.

Your humble petitioners pray, in conclusion, that in the discussion of the Agriculturists' Relief Bill in this House, the above aspects be duly considered, that the interests of the vast body of Chitty foremen in the State be duly safeguarded and protected, and your petitioners as in duty bound will ever pray."

Two more similar petitions were presented.

Mr. Kochikal P. Balakrishnan Tampi: Sir, I rise to a point of order. There are two other petitions presented. Each one of the members must say the purport of the petitions and the number of signatories.

Mr. N. Ramakrishna Pillai: The petition which I present is similar to the one just now read and signed by three persons.

Mr. M. N. Narayana Menon: Sir, I also have to present a similar petition.

President: You are bound to tell the House the number of signatories and the material allegations contained in it.

Mr. M. N. Narayana Menon: It is signed by Mr. M. N. Narayana Menon, member, Sri Chitra State Council and a few other chitty foremen whose names are at the bottom of the petition and speak of the grievances about their chitty affairs if the Agriculturists' Relief Bill is passed without re-codifying Chitty Regulation, Sections 34 and 35.

Mr. M. N. Paramesvaran Pillai: Sir, I oppose the introduction of this Bill in this form. But, before I proceed further, I wish to warn this House from falling into any error of judgment in regard to my intentions. I do not want the House to take it that I am opposing the need for the removal of agricultural indebtedness in the State. I do fully realise that all debtors in the country, including the agriculturists, are hard hit by the prevailing depression and are unable to pay their debts. But, I feel no doubt that the Bill that is placed before us is productive of more harm than good. This Bill, if passed into law and allowed to be placed in our Statute Book, will undoubtedly have widespread, far-reaching and disastrous repercussions on the economic life of the people of this country. No doubt for sometime past public opinion in the country was being focussed upon the need for enacting a legislative measure to protect the debtors, particularly the agriculturists, who are admittedly immersed in indebtedness. A committee was asked to investigate the problem of debt redemption and when its report was discussed by the two Houses of the legislature a few months ago, it was thought that the various shades of opinion expressed at the debate would be duly borne in mind and considered by Government and a Bill that will afford the maximum benefit to the debtors without seriously prejudicing the rights of the creditors, would be introduced. But much to our surprise and greatly to our disappointment what we now find is that after all the mountain has brought forth a mouse. I may state at the very outset, without meaning

any disparagement to the learned mover of the Bill, that this Bill is one of the most scandalous and unsound piece of attempted legislation ever devised by the brain of man, and to use the words of the Law Member himself "no State worth the name of a State should pass such a law".

We have by this time heard a volume of conflicting views on this Bill. In many parts of the State public meetings have been held and numerous resolutions pointing out the utter inadequacy of the Bill have been passed. I myself am a recepient of the copies of several of such resolutions. When there is such pronounced public opinion against this Bill, when there is no common measure of consent or at least some moral unanimity, it becomes all the more incumbent on us, legislators, to consider carefully every provision therein. We must be very careful to see that in our endeavours to mitigate human suffering, we do not increase it. We certainly will be morally blameworthy if we pass this Bill without acquainting ourselves with the real implications of its various provisions.

I do not think any honourable member of this House, even if he be the biggest debtor, would like to be accused either by his contemporaries or by posterity of having been guilty in passing a measure with selfish motives. Let it not be said of any one of us, as it was said of the members of the Ceylon State Council by Mr. J. G. Walls, in his book, "British Folly—The lesson of Ceylon," that he attempted to place in the Statute Book a piece of legislation for his own benefit. Already the opinion is gaining ground in the country that this Bill is expressly devised by members of the legislature most of whom are themselves debtors who stand to benefit by its provisions.

President: Order, Order, such allegations give rise to embarrassment and I trust it will be avoided.

Mr. M. N. Paramesvaran Pillai: According to the British standards of political integrity, members personally interested in a measure ought to abstain from voting.

Sir, if we examine the provisions of this Bill, we will find that we are consciously or unconsciously drifting into socialism. There is, no doubt, an under-current of socialistic principles running through the various provisions of this Bill. When once it is granted that no sanctity need be attached to solemn pledges and contracts, when it is once for all agreed that vested private rights could be seriously interfered with, by scaling down principal debts, reducing interests and all the rest of it, are we not, I ask, by this thin end of the wedge absorbing the modern doctrine of economic socialism, which the great Pandit Jawharlal Nehru in his Congress

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Presidential address has said is the "only key to the solution of the world's problems and of India's problems?" The only way of ending this poverty and the economic degradation of our agriculturists is through the inauguration of a scientific scheme of economic socialism. To my mind socialism alone seems to be the immediate panacea for the numerous economic ills that confront the State. But even as a first step towards socialism one cannot hail this Bill, for every one of its provisions, as I shall show bye and bye, is halting and highly defective, in asmuch as it does not aim to render any tangible benefit to the agriculturists. The Bill, no doubt, leads us to the tempting gates of socialism, but at the same time it prevents us from entering and enjoying the benefits of such an economic organisation. Is it not tantalizing? Sir, let us see how far these remarks are true and justifiable by an examination of the chief provisions of the Bill.

Although, in the preamble to the Bill, it is made clear that this piece of legislation is intended ostensibly to make provisions only for the relief of agricutural indebtedness in the country, we find that in reality the author of the Bill has transgressed the real object of this legislation and has attempted to bring within its ambit and operation all people in the land and all manner of debts, except those due to Government either as arrears of land revenue or as agricultural loans or loans taken from the Land Mortgage Bank. The definitions contained in clause 2 (*a*), (*b*) & (*e*) of the term "Agriculturist," "Agriculture," and "Debt" are so elastic, wide and comprehensive that I can say, without any fear of contradiction, that there will be no one in the State who will not come within the operative provisions of the Bill.

Mr. E. P. Varghese: What is the objection of the member in including them also?

Mr. M. N. Paramesvaran Pillai: That is what I am going to say. Will there be, I seriosuly ask, a single soul in this land which will not come under one or other of the classifications or enumerations contained in clause 2 (*a*) (*i*)? Under the first two categories most of the high paid officers in the State, including even the Head of the Administration, merchants, vakils and those following similar avocations in life can safely come in for protection. The expression "servant of an owner or tenant of agricultural land" is also equally vague that all employees such as clerks, cooks, barbers, washermen and all attendants in the household or office of an owner or tenant of agricultural land could be included as agriculturists for the purpose of this Bill. If that is not sufficient, clause (2) (*a*) (*ii*) will supplement the scope of the definitions by including all village menials such as carpenters, smiths, Kanians, Pulayas,

Paraiahs and such others. It also includes every member of a joint Hindu family or Marumakkathayam family, whether he be really an agriculturist or not, provided he is liable jointly with an agriculturist for any debt of that agriculturist. If there is any further lacuna in this definition, that also is set at right by the provisions of clause 2 (*b*), under which those who keep or breed live-stock, for instance a few cows or bulls, poultry, a few fowls, or bees, or cultivate fruits or vegetables—in every house in Travancore you will find a few plantains and one or two cucumber plants, snake-gourd plants or some variety of cabbages—will be regarded as agriculturists deserving protection under this Bill. Sir, I would not have been in the least surprised even if the learned Law Member had taken into his head to include those who have got mosquitoes and flies in their houses in the definition of the term "agriculturist".

Then again the scope of the Bill is not restricted to mere agricultural debts alone. Every kind of debt, irrespective of the fact whether it is borrowed purely for agricultural purposes or for non-agricultural purposes such as marriages, putting up costly buildings including theatres, higher education including foreign studies, luxuries including motor cars and speculations like lotteries and litigation, is sought to be brought within the purview of this Bill. The Bill also makes no distinction between secured and unsecured debts for the purposes of conciliation. Even the insolvency and bankruptcy laws existing all over the world recognise the right of priority vested in a secured creditor. The absence of any provision recognising the priority of secured over unsecured creditors is startling and it offends against the law of property.

Sir, all this is not the real intention. The Bill is framed by the Law Member to legislate only for genuine agriculturists and is meant to exclude from its operation all non-agriculturists. But if the definitions in the Bill are to be retained as they are, I do not find any efficacy in calling this Bill "The Travancore Agriculturists' Relief Bill". It would be better and proper to style it "The Travancore Debtors' Relief Bill". The real object should be to make provisions in relief of agricultural indebtedness by means of conciliating such debts as are borrowed purely for agricultural purposes. All other debts of the agriculturists, for instance debts borrowed for speculative or trade purposes, for educating their children in England or some other European countries or for purchasing motor cars or those borrowed and squandered in brothel houses and taverns, should be excluded from the Bill. No clear distiuction has been made in this Bill between debts borrowed solely for agricultural purposes and all the other debts of the agriculturists. The second class of debts should strictly have no place within the purview of this Bill and should be excluded.

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Sir, there is clear indication in the Bill itself that the intention of the learned mover is not to afford benefit to the real agriculturists. The total exclusion of all arrears of land revenue, agricultural loans and loans borrowed from the Land Mortgage Bank from the ambit of this Bill is without any justification. These debts, unlike other debts, are obviously incurred for agricultural purposes alone. If the helping hand is not to be extended to those who have such liabilities, this Bill cannot achieve its true object in ameliorating the condition of the agriculturists.

This Bill is not going to be of any benefit either to the debtor or to the creditor. The Debt Conciliation Boards that may be constituted after the passing of this Bill will not be able to really accomplish any substantial results tending towards the happiness and prosperity of the debtors and creditors in the country. Unlike in British India where we have got the Sowcars, Pathans or Marwaris, there are no distinct classes like money lenders in Travancore.

Mr. E. P. Varghese: What about Hundi merchants?

Mr. M. N. Paramesvaran Pillai: They can be counted on one's fingers' ends.

All are practically debtors as well as creditors. Consequently there will be no limit to the number of petitions that may be filed before the Conciliation Board, for every debtor will naturally regard it as advantageous to him to move the Board for the conciliation of all his debts. He can by doing so arrest the progress of all proceedings against him in Civil Courts. So, what is really going to happen is that these Boards will hardly find time to dispose of the numerous petitions that may be filed before them with the dire consequence that delays before the Conciliation Boards will soon become more proverbial than even the laws delays in Civil Courts.

Then again, when a petition for conciliation is filed, the Board has to follow the procedure laid down in the Civil Procedure Code for investigation of claims and disputes. In the case of the debtors, very often it is not one debt that the Board has to investigate or decide. It will have to consider several debts numbering sometimes to hundreds and more. The enquiry provided under clause 13 of the Bill is more elaborate and cumbersome than the one ordinarily prescribed for the Civil Courts. A mere enquiry under clause 13 in regard to the ability of the debtor to pay and the availability of the assets out of which the debts may be realised, may itself take years. For instance, in order to ascertain the capacity and means of a debtor, it may very often be found necessary to launch an investigation into the capacity and means of all his debtors and their

debtors in turn and in that manner investigation will have to be proceeded with as a never ending affair and the matter may not be fairly and thoroughly investigated and decided with satisfaction within the short time of 6 or 9 months.

The arbitrary and autocratic powers conferred on the Board under clauses 14, 15 and 23 are dangerous and may lead to serious abuses and result in corruption. The conciliation is said to be a voluntary affair and it is said that if the parties do not agree to the conciliation proposed, they are not bound by it and are quite free to pursue the usual remedies open to them by resorting to Civil Courts. Any legislation which leaves the parties thus to the option of pursuing the remedies they like, will not be a success and nothing tangible and nothing substantial will be achieved by that. After all, the investigation by the Board, if the parties are again left to the option of fighting out their rights in a different form, will only lead to multiplicity of proceedings and waste of public time and money, which, it should be the object of every legislation to prevent. Instead of providing such cumbersome procedure and following such dilatory methods of conciliation, why not we make a provision that hence forward for a period of 5 or 6 years debts shall be treated as fully discharged, if 65 per cent. of the principal with interest thereon at 6 per cent. is paid? That will really afford immediate protection and benefit to the debtors. Instead of adopting some such extraordinary remedies, what is the use of driving pell mell, like cattle, all the debtors in the country before the Conciliation Board? Even if conciliation agreements are successfully arrived at, how are the debtors to be redeemed? The Board may pass awards scaling down principal and reducing interests, but how will the debtor find money to pay even this amount so long as he is not able to get any margin of profit from his lands?

There is another serious danger which the Government and the legislators have to consider in connection with this matter. The establishment of Conciliation Boards together with the necessary staff in every taluk will immediately involve the Government in a large expenditure aggregating to several lakhs. Besides that, the Government will also lose almost all its revenue which it now derives from court fees; for every petition to be filed before the Board need be taxed only with half a rupee stamp. The court fee has to be paid by the creditors only on the amounts fixed by the Board in its award and that too only at the time of execution. For some years the Government revenue under "income tax" will also be considerably affected. There is the possibility of the Civil Courts also claiming more hands for assisting them in the execution of the awards passed by the Conciliation Boards.

[Mr. M. N. Paramesvaran Pillai.]

Sir, Part III of the Bill contains provisions for the payment of debts in easy instalments and the reduction of the rate of interest. But the provisions regarding interest contained in clauses 34 and 35 are made applicable only for a period of 3 years from the date of the commencement of this Regulation and in respect of two classes of debts *viz.*, (1) those borrowed before the commencement of the Regulation and are in existence on the date of it and (2) those incurred subsequent to the passing of the Regulation. These provisions cannot therefore afford adequate relief to the suffering agriculturists.

Mr. Kochikal P. Balakrishnan Tampi: Is the honourable member speaking for debtors or creditors?

Mr. M. N. Paramesvaran Pillai: I am speaking for both. This is not a Court.

The Agricultural Debt Redemption Committee has reported that the burden of agricultural debt is largely the burden of accumulated arrears of interest. No scheme for the amelioration of the agriculturists will, therefore, be adequate if it does not include a reduction of the existing rate of interest yet remaining unpaid on past transactions during the period of depression which is admitted to have commenced somewhere about the beginning of 1105.

Sir, if the interest for the period at least from 1108 is not reduced, this Bill is not going to render any substantial good to the agriculturists. The attempt to reduce the rates of interest retrospectively from 1105 has been characterised by the Law Member as "expropriation, unrepentent, unalloyed and unabashed".

Mr. Kayalam Paramesvaran Pillai: May I know from the member where was it stated?

Mr. M. N. Paramesvaran Pillai: Not in this House but elsewhere.

Mr. S. Piraviperumal Pillai: Sir, on a point of order. Sir, I wish to know whether we can quote from the proceedings of the Assembly and thus from a speech made by the Law Member in that House?

President: Generally, when there are two Houses of Legislature references are made not specifically to debates and proceedings of the other House as such. But quotations are permissible as made in another place.

Mr. M. N. Paramesvaran Pillai: We have heard various objections being urged against such a step for reduction of interest from 1105 but a close scrutiny will convince any one that these

objections ought not to prevail. The main objection is that we will be substantially interfering with contractual obligations and vested private rights if we attempt to give retrospective effect to the provisions contained in this part of the Bill. There is no logic or sanctity in such an argument. In the first place, may I ask whether we are not by this piece of legislation seriously and substantially interfering with vested private rights, practically setting at naught all individual contracts and legal obligations arising therefrom and nullifying solemn decrees and orders of courts, obtained, very often at considerable expense of time and money ? If in the manner of conciliation serious inroads could be allowed into the domain of private rights and solemn contracts, by scaling down the principal debt and by making provision for the limitation of the arrest of agriculturists, I do not see any force in the contention that so far as past interest on debts is concerned no reduction should be allowed.

Mr. Kayalam Paramesvaran Pillai : Does conciliation take effect with the consent of parties ?

Mr. M. N. Paramesvaran Pillai : The parties can only consent to have the claims and disputes settled by conciliation. But with regard to the details or the decision of the Board they may not agree, if they find anything objectionable.

Mr. Kayalam Paramesvaran Pillai : Sir, on a personal explanation.

President : Order. Order, This is not a matter for personal explanations.

Mr. M. N. Paramesvaran Pillai : So I do not see any force in the point of the Law Member's argument. A legislative measure may be given retrospective operation, if the situation necessitates such a step. Extraordinary situation demands extraordinary remedies. Sir, I do not think that any one will seriously controvert me when I say that on account of economic depression which has brought about a phenomenal fall in the commodity prices since 1105, the debtors have been practically rendered unable to discharge either their debts or the interests thereon. It is contended by some that persons who borrowed debts after 1105 have done so with open eyes and as such they do not deserve help. But they forget one fact and that is that this depression did not set its foot all on a sudden in 1105. We doubt that it showed its dismal face in the horizon somewhere about the early part of 1105 and nobody could then forestall how dark it would grow. The present depression has been the result of several years of continued disturbance in the economic life of the people. If on the ground of the increase in the purchasing value of money since 1105, principal debts could be scaled down, why not the same principle be applied with equal

[Mr. M. N. Paramesvaran Pillai.]

force in reducing the rate of interest? Sir, no convincing reason can be advanced against the plea for the reduction of interest retrospectively from 1105 or 1108.

Sir, in this connection, I wish to emphasise one point which I stressed also in the course of the debate on the Report of the Agricultural Debt Redemption Committee and that is the urgent need for the amendment of Section 31 of the Civil Procedure Code relating to interest. This Section has been the ruin of many a debtor in the country. Formerly only interest up to *Aravasi* could be realised on a loan till the date of decree and after decree no interest above 6 per cent. and in excess of half the principal debt was allowed. But now on account of the existence of the provisions of Section 31 the debtor's back is broken with the burden of accumulated interest. He has now to pay interest on the principal at the rate of 12 per cent. up to *Aravasi* for the period up to the date of suit and after suit at 12 per cent. even above the principal and after decree at 9 per cent. on the aggregate amounting up to the aggregate. Is not the Law Member aware of these provisions and if so, what remedy does he propose to check these usurious rates of interest?

Provisions of Part IV of the Bill are also not satisfactory. They are not going to help the agriculturists very much. The enquiry under the new clause 48 A (1) is no doubt going to be as costly and troublesome as the proceedings before the Conciliation Board. All such proceedings under this Bill are hereafter going to fully engage the agriculturists and I am afraid, they will have very little time to attend to the cultivation and improvement of their lands. The retention of a provision like the one contained in clause 48 A (1) (*c*) is really harmful in as much as it gives the creditor an handle to insist upon the debtor in every case to enter into an express statement in writing that he is not an agriculturist. When there is such a provision, how can the agriculturist debtor get the benefit of the provisions regarding exemption from arrest.

Sir, I have thus briefly pointed out how this Bill falls short of our expectation and how far its provisions are impracticable and thoroughly inadequate to meet the present situation in the country. I hope this House will not be carried away by any feeling aroused by any solicitous enquiries from any quarters and rush through this piece of legislation which, in my humble opinion, the moment we pass into law, will bring serious economic and political disaster in the country. The result of the measure will be that the economic equilibrium in the country will be upset, mutual distrust will be increased, the internal and external credit of the country will be

shaken, every business in the country, its trade, commerce and industry will be paralysed and those who expect that a millenium is going to dawn will be hopelessly disappointed. This Bill is a mere eye-wash. Let us not be tricked into foolery in passing the Bill in this form. Even if this Bill is passed, I am sure there will be nothing for Government to wax eloquent over the achievement. The only achievement which Government can boast of when this Bill is passed into law is their success in depicting the self-respecting agriculturist of Travancore before the world as a fallen and despicable being, having no status and credit.

Mr. E. P. Varghese : Is it the member's opinion that no relief is necessary?

Mr. M. N. Paramesvaran Pillai : Sir, I have already stated at the very outset that there is imminent need for relieving the indebtedness in the country.

Mr. Kayalam Paramesvaran Pillai : Is it the members' view that, if all debts are scaled down to 65 per cent. that will advanee the credit, externally and internally, of the State?

Mr. M. N. Paramesvaran Pillai : That will not shake the credit to the extent to which the Bill would otherwise have the effect of affecting the country's credit. It is my strong and firm conviction that this Bill, as it stands, is not going to afford any real relief to the debtors. This Bill may, therefore, be safely dropped and in its place another simple and more useful piece of legislation may be introduced. Such a Bill should attempt to bring within its ambit all debtors in the country, for it is not merely the agriculturist debtor alone who stands in need of protection. Merchants and other classes of people who depend on the agriculturists for their prosperity should also get relief under the measure. Instead of "the Travancore Agriculturists' Relief Bill" it should be styled the "Travancore Debtors' Relief Bill". Another necessary provision which the Bill should contain is that no interest above 6 per cent. shall be allowed on any debt either past or future. There should also be another provision in the Bill, *viz.*, that all existing debts shall be treated as fully discharged if 65 per cent. of the principal together with interest therefor at 6 per cent. is paid within a definite time. Such provisions will surely afford immediate protection to all the debtors. Extraordinary situations like the present should be met by extraordinary remedies. Facilities may be provided to the debtors for paying their debts in the above manner by enlarging the scope of the State Land Mortgage Bank or by establishing Co-operative Land Mortgage Banks and by raising debentures at 3 or 3½ per cent. interest redeemable after 10 or 15 years. Several of the creditors including banks would be willing to accept such bonds in lieu of cash and subscribe for the debentures substantially. Thus the real problem of indebtedness can be successfully and satisfactorily solved to the advantage of both the debtors and the creditors.

President: Debates between honourable members should not take place during these observations. Questions that are necessary may be put, but honourable members when they want to express their opinions may reserve them for their own speeches.

Mr. Tariatu Kunjitommen: സർ, ഞാൻ ഈ ബില്ലിന്റെ തത്വത്തെ അനുകൂലിക്കുന്നു. എന്നാൽ ആ തത്വസാദ്ധ്യത്തിനു പര്യാപ്തമായ വ്യവസ്ഥകളൊന്നും ഈ ബില്ലിൽ കാണുന്നില്ല. എങ്കിലും ഇതു് ഒന്നുമില്ലാത്തതിൽ ഭേദമെന്നുപറയാം. കാർഷികഋണനിവാരണത്തിനായി ഉദ്ദേശിക്കപ്പെട്ടിട്ടുള്ള ഈ ബില്ലിൽ കർഷകരുടെ ഋണബാദ്ധ്യതപരിഹാരത്തിനാവശ്യമായ യാതൊരുപാധികളും കാണുന്നില്ലെന്നു പറയേണ്ടിവന്നതിൽ വളരെ സങ്കടമുണ്ടു്. എന്നാൽ സ്വല്പം ആശ്വാസം ഇതിൽ ഇല്ലാതില്ല. അതായതു് ഋണബാധിതരായി കഷ്ടപ്പെട്ടുകിടക്കുന്ന ന്യായസ്ഥന്മാരായ ആളുകളെ ഈ ബില്ലു സിവിൽജയിലിൽ പിടിച്ചടയ്ക്കുന്നതിൽ നിന്നും രക്ഷപ്പെടുത്തീട്ടുണ്ടു്.

Mr. J. John Kattakayam: ആ രക്ഷ, തോന്നിയവാസം കാണിക്കുന്ന ഒരു ന്യായാധിപന്റെ തൂലികത്തുമ്പിലല്ലയോ ഇരിക്കുന്നതു്?

Mr. Tariatu Kunjitommen: ന്യായസ്ഥന്മാരായ കർഷകർ എന്നു വിശേഷണം ഞാൻ ചേർത്തതു അതുകൊണ്ടാണു്. കടം വീട്ടണമെന്നു ആവശ്യമുള്ളവർക്കു തന്റെ കഴിവുകളെ കോടതികൾമുമ്പാകെ ബോദ്ധ്യപ്പെടുത്തുന്ന പക്ഷം അവനെ ജയിലിൽ വയ്ക്കുന്നതല്ല. അങ്ങനെ വിചാരിക്കുന്നവരെപ്പററിയാണു ഞാൻ പറഞ്ഞതു്.

Mr. J. John Kattakayam: ഒരു കടക്കാരനു് തനിക്കുള്ള കഴിവുകളെന്തെല്ലാമെന്നു വെളിപ്പെടുത്തുവാൻ വളരെ വിഷമിക്കേണ്ടിവരികയില്ലയോ?

Mr. Tariatu Kunjitommen: എന്നാലും അതുകൊണ്ടു അല്പം ആശ്വാസം ആ മനുഷ്യനു ലഭിക്കുമല്ലോ.

മറെറാരാശ്വാസം കൊടുത്തുതീർക്കേണ്ട കടം പന്ത്രണ്ടുവർഷങ്ങൾകൊണ്ടു അടച്ചുതീർക്കുന്നതിലേക്കു് വേണ്ട നടപടികൾ നടത്താൻ സിവിൽകോടതിക്കധികാരം കൊടുക്കുന്ന ഒരു വകുപ്പുണ്ടെന്നുള്ളതാണു. ഇങ്ങനെ ഈ ബില്ലുകൊണ്ടു കർഷകർക്കു് സ്വല്പമായ ആശ്വാസം ലഭിക്കുന്നുണ്ടെന്നിരുന്നാലും ഉല്പന്നങ്ങളുടെ വിലക്കുറവുനിമിത്തം കഷ്ടപ്പെടുന്ന കർഷകരുടെ കഷ്ടപ്പാടുകൾക്കു പറയത്തക്ക നിവൃത്തിമാർഗ്ഗം ഈ ബില്ലുകൊണ്ടു സിദ്ധിക്കുമെന്നു തോന്നുന്നില്ല. ഈ ബില്ലുകൊണ്ടു കർഷകർക്കു ഇന്നു നേരിട്ടിരിക്കുന്ന ക്ഷീണത്തിനു യാതൊരു ശമനവും ഉണ്ടാകുന്നതല്ല. എന്നിരുന്നാലും, പട്ടിണികൊണ്ടു വലഞ്ഞിരിക്കുന്ന ഒരുവനു, ആഹാര

ത്തിനു പകരം പച്ചവെള്ളമെങ്കിലും കൊടുക്കുന്നതായാൽ അവൻ അതു കുടിച്ചുകൊണ്ട് ആയുസ്സ് കുറെക്കൂടി നീട്ടിക്കൊണ്ടു പോകാമല്ലൊ. ആ ന്നാശ്വസിക്കുന്നതുപോലെ കുറെ 'കാലം' കിട്ടുമല്ലോ എന്നു കർഷകർക്കും ആ ശ്വസിക്കാൻകഴിയും. കാലം പോലെ ഒരു നല്ല ഗുരു വേറെയില്ല. കാലംകുറെ ചെല്ലുമ്പോൾ ഈ ബില്ലിന്റെ നടത്തിപ്പിൽ വന്നുചേരുന്ന പോരായ്മകളെന്തെല്ലാമെന്നു ഗവമ്മെന്റിനുതന്നെ ബോദ്ധ്യപ്പെട്ടു വേണ്ടപരിഹാരമാർഗ്ഗങ്ങൾചെയ്യാൻ പാടില്ലെന്നില്ല. ഇതിലേക്കു വേണ്ട രക്ഷാവ്യവസ്ഥകൾ ഗവമ്മെന്റു ഉടനടി നടപ്പിൽവരുത്തുമോ എന്നുള്ള കാര്യം വളരെ സംശയമായിരിക്കയാൽ ഇതെങ്കിലും നടപ്പിൽവരട്ടെ എന്നു പ്രതീക്ഷിക്കയെ തരമുള്ളൂ.

വാങ്ങിച്ച പണത്തെക്കാൾ വലിയ ഒരു സംഖ്യയാണ് ഇപ്പോൾ കൊടുക്കേണ്ടിയിരിക്കുന്നത്. ന്യായമായ പലിശകൊണ്ടല്ല ഈ തുക കൂടിയിരിക്കുന്നത്. വാങ്ങിച്ച മുതൽതന്നെ, ഇന്നത്തെ പണത്തിന്റെ വിലവർദ്ധനവിനെ താരതമ്യപ്പെടുത്തിനോക്കുമ്പോൾ കൊടുക്കുന്നത് ശരിയല്ല. അതിനാൽ മുതലിലും പലിശയിലും കുറവുചെയ്തു കർഷകരെ രക്ഷിക്കുന്നതിനുള്ള വ്യവസ്ഥകൾ ഈ ബില്ലിൽ വരുത്തേണ്ടതാണ്. ഋണബാധിതരായ കർഷകർക്ക് എന്തെങ്കിലും ഒരു ദാക്ഷിണ്യം ചെയ്യണമെന്നു് അഭ്യർത്ഥിച്ചിട്ടില്ല. പണമെന്നു പറയുന്നത് ഒരു ആഹാരസാധനമല്ല. മണ്ണിൽ പത്തായി വിളയുന്ന ഒരുധാന്യവുമല്ല അതു്. പണം, ക്രയവിക്രയങ്ങൾക്കുള്ള ഒരു മദ്ധ്യസ്ഥൻ മാത്രം. അതിനു ഒരു വിലയുണ്ട്. അതിനു് purchasing power ഉണ്ടു. ഇന്നു് അതു വളരെ കൂടിയിരിക്കുകയാണ്. ൨൦൦ രൂപകൊണ്ടു വാങ്ങിക്കാൻ കഴിയുന്ന ഭൂമി ഇന്നു ൭൦ രൂപാകൊണ്ടു വാങ്ങിക്കാൻ കഴിയുന്നു. ഈ പണപ്രാപ്തിയെ പർച്ചേസിംഗ്പവ്വറിനെക്കുറിച്ചും പലിശവർദ്ധനവിനെക്കുറിച്ചും ആണു കർഷകജനങ്ങൾ പരാതിപ്പെട്ടിട്ടുള്ളതു്. ഇതുരണ്ടും സ്വല്പമെങ്കിലും ശമനിക്കണമെന്നുള്ള മുറവിളി രാജ്യമാസകലം ഉണ്ടായിരുന്നിട്ടും ഗവമ്മെന്റു വേണ്ടപോലെ ശമനിച്ചുകാണാത്തതു് കഷ്ടാൽകഷ്ടതരമെന്നേ പറയേണ്ടതുള്ളൂ. ഇപ്പോൾ എല്ലാ സാധനങ്ങൾക്കും വില കുറഞ്ഞിരിക്കുന്നു. ഏകദേശം രണ്ടുലക്ഷം രൂപ ഗവമ്മെന്റിനു കയറുമതിത്തീരുവയിൽ നിന്നും കിട്ടിക്കൊണ്ടിരിക്കുന്ന കുരുമുളകിനു് ഇപ്പോൾ ആറിലൊന്നായി വിലകുറഞ്ഞു. പുൽതൈലത്തിന്റെ വില മുപ്പതിൽ പന്ത്രണ്ടായികുറഞ്ഞു. അതുപോലെ നാളികേരത്തിനും നെല്ലിനും വിലക്കുറവ് ഉണ്ട്. ഉല്പന്നങ്ങൾക്കു വിലകുറഞ്ഞുവെന്നുപറഞ്ഞാൽ പണത്തിന്റെ വിലകൂടി എന്നാണല്ലൊ അതിന്റെ അത്ഥം. ആ നിലക്കു മുതലിൽ ഒരംശം കുറച്ചുകൊടുക്കുന്നതിൽ എന്താണു തരക്കേടുള്ളതു്?

[Mr. Tariatu Kunjitommen.]

കഴിഞ്ഞ കാലങ്ങളിൽ ചെയ്തുവച്ചിരിക്കുന്ന വ്യവസ്ഥകളെ ലംഘിക്കരുതെന്ന് ഗവണ്മെൻറിന്റെ ഉദ്ദേശം ഉള്ളതായി ലാമെമ്പർ പറയുന്നതു് കേട്ടു. എന്നാൽ വ്യവസ്ഥകൾ മനുഷ്യർക്കാണ്; അല്ലാതെ വ്യവസ്ഥകൾക്കല്ലാ മനുഷ്യർ. വ്യവസ്ഥകളുടെ സീമകളെക്കൊണ്ടുതന്നെ ഭരണം നടത്തിപ്പോരുന്ന മഹാസാമ്രാജ്യങ്ങൾതന്നെ ഈ നില വന്നപ്പോൾ യുദ്ധകടങ്ങൾക്കു മററും പലിശ മാത്രമല്ല, മുതൽപോലും ഉപേക്ഷിക്കുവാൻ വ്യവസ്ഥ ഏർപ്പെടുത്തിയിരിക്കുന്നു.

M. J. John Kattakayam: ഇങ്ങനെ പലിശയും മുതലും ഉപേക്ഷിക്കുവാൻ വ്യവസ്ഥചെയ്തതുകൊണ്ട് ആ സാമ്രാജ്യങ്ങളുടെ ക്രഡിററിനു വല്ല ഹാനിയും ഉണ്ടായിട്ടുണ്ടോ?

Mr. Tariatu Kunjitommen: ക്രഡിററു നശിച്ചതായി എനിക്കറിവില്ല.

ഇങ്ങനെയാണ്, ലോകത്തിൽ പരിഷ്കൃതജനസമുദായങ്ങളുടെ ഇടയിൽ—സാമ്രാജ്യങ്ങളുടെ ഇടയിൽപ്പോലും—പരസ്പരം നടക്കുന്ന കാര്യങ്ങൾ. ഈ രാജ്യത്തെ സകല ഐശ്വര്യങ്ങളുടേയും അസ്ഥിവാരമായ കർഷകർ സാമ്പത്തികാധഃപതനവും ഉൽപ്പന്നങ്ങളുടെ വിലക്കുറവുംനിമിത്തം പീഡിതരായിത്തീർന്ന ഒരു ജനസഞ്ചയം ഞങ്ങളെ ഇതിൽനിന്നു എങ്ങിനെയെങ്കിലും സംരക്ഷിക്കണേ എന്നു ഗവണ്മെൻറിനോട് മുറവിളി കൂട്ടിക്കൊണ്ടിരിക്കുമ്പോൾ അവക്കു അല്പമെങ്കിലും രക്ഷനൽകാത്ത ഒരു ബില്ല് ഗവണ്മെൻറ് കൊണ്ടുവന്നതു് പരിതാപകരമായിപ്പോയി എന്നു പറയാതിരിക്കുവാൻ തരമില്ല. കർഷകരിൽനിന്നും പല തരത്തിലായി ഗവണ്മെൻറിനു വൻപിച്ച ആദായങ്ങൾ കിട്ടിക്കൊണ്ടിരിക്കുന്നുണ്ട്. കയററുമതി ഒരിനത്തിൽതന്നെ ൪൦ ലക്ഷത്തോളംരൂപാ ഗവണ്മെൻറിനു ലഭിക്കുന്നുണ്ട്. നാട്ടുരാജ്യങ്ങളിൽവച്ച് ഈരാജ്യം വിസ്തീർണ്ണതയിൽ പതിനാറാമത്തതും ജനസംഖ്യയിൽ മൂന്നാമത്തേതും മുതലെടുപ്പിൽ നാലാമത്തേതുമാകുന്നു. വിസ്തീർണ്ണത്തിൽ പതിനാറാമതായി നിൽക്കുന്ന ഈ രാജ്യത്തിനു മുതലെടുപ്പിൽ നാലാമത്തെ സ്ഥാനം ലഭിക്കണമെങ്കിൽ എന്തുമാത്രം നികുതി ജനങ്ങൾ കൊടുക്കണം? ഇവിടത്തെ ഭൂനികുതി, ബ്രിട്ടീഷ് ഇൻഡ്യയിലെയും കൊച്ചിയിലെയുംകാൾ അല്പം കുറവാണെന്നു പറയും. ഒരേക്കർ ഭൂമിക്കു കൊടുക്കുവരുന്ന നികുതി ഏകദേശം രണ്ടു് രണ്ടര രൂപയാണ്. ഇതിലുപരി അവിടെ വിളയുന്ന ചുക്ക്, കുരുമുളക് മുതലായ സാധനങ്ങൾക്ക് പതിനഞ്ചോ പതി

നേഴോ രൂപ കയററുമതിത്തീരുവ രൂപേണ കരമായും കൊടുക്കേണ്ടിയിരിക്കുന്നു. ഈ നികുതിഭാരംകൊണ്ട് കർഷകർ വലയുന്നു. വൈദ്യന്മാർ, വൈദികന്മാർ, വക്കീലന്മാർ മുതലായവർ കർഷകരുടെ അഭിവൃദ്ധിയെ ആശ്രയിച്ചാണ് കഴിയുന്നതു്. അങ്ങനെ രാജ്യത്തെ ഐശ്വര്യോൽക്കർഷത്തിൽ ആറാടിച്ചുകൊണ്ടിരിക്കുന്ന കർഷകജനങ്ങൾ മാറത്തടിച്ചുകൊണ്ട് ഞങ്ങളെ രക്ഷിക്കണമെന്നു മുറവിളികൂട്ടിയും ഡെപ്യൂട്ടേഷൻ പോയുംമററും ഗവണ്മെൻറിനെ അലട്ടിക്കൊണ്ടിരിക്കുമ്പോൾ അവരുടെ രക്ഷക്കാണെന്നും പറഞ്ഞുകൊണ്ടുവന്ന ബില്ലിൻെറരൂപം ചുരുക്കം ചില ഉത്തമർണ്ണന്മാരുടെ അതൃപ്തിയെ ഭയന്ന് ഗവണ്മെൻറ് ഈവിധത്തിലാക്കിയതിനെപ്പററി ഞാൻ എന്താണ് പറയേണ്ടതു്?

ഉത്തമർണ്ണന്മാർ അതിനു സമ്മതിക്കുന്നില്ലെങ്കിൽ ഗവണ്മെൻറിനു അവരുടെ അഭിപ്രായത്തെതന്നെ ആദരിക്കണമെന്നുണ്ടോ? രാജ്യത്തിനു ക്ഷേമം ലഭിക്കണമെങ്കിൽ കർഷകർ പ്രയത്നിക്കണം. രാജ്യനന്മക്കു വേണ്ടി രാവും പകലും പ്രയത്നിച്ചും ഉപജീവനത്തിനുള്ള വക എല്ലാവക്കും നല്കിയുമാണ് കർഷകർ ജീവിക്കുന്നതു്. ഈ വിധത്തിൽ രാജ്യത്തിൻെറ ഐശ്വര്യത്തെ പരിരക്ഷിക്കുന്നതു് അവരാണ്. ശ്രീവാഴുംകോട് എന്ന് ഈരാജ്യത്തിനു പേരുലഭിക്കത്തക്കവിധത്തിൽ ഇവിടെ വാണിജ്യശ്രീയും വ്യവസായശ്രീയും ഉണ്ടാക്കിയിരിക്കുന്നതു് കർഷകൻെറ പ്രയത്നംനിമിത്തവും കാർഷികവിഭവങ്ങളുടെ സമൃദ്ധി, അതിൽനിന്നും ലഭിക്കുന്ന ആദായം, ഇവകൊണ്ടുമാകുന്നു. തെങ്ങ്, റബ്ബർ, എന്നിങ്ങനെയുള്ള കാർഷികവിഭവങ്ങളില്ലെങ്കിൽ ഇവിടെ വാണിജ്യമില്ല. വലിയതോതിലുള്ള വ്യവസായങ്ങൾ നടത്തി അന്യരാജ്യങ്ങളിൽ ചെലവഴിച്ച് അങ്ങനെ രാജ്യത്തിൻെറ ഐശ്വര്യത്തെ പരിരക്ഷിച്ചുകൊണ്ടുവരുന്ന രാജ്യമല്ലാ ഇതു്. ഇവിടത്തെ കയററുമതികൊണ്ട് കിട്ടുന്നപണംകൊണ്ടാണ് ആഹാരസാധനങ്ങൾ പോലും ഇവിടെ ഉണ്ടാകേണ്ടതു്. ഇറക്കുമതിമൂലം രാജ്യത്തിനുണ്ടാകുന്ന വലുതായ നഷ്ടത്തെ ഉൽപ്പന്നങ്ങളുടേയും മററു അസംസ്കൃതസാധനങ്ങളുടേയും കയററുമതികൊണ്ടാണ് പരിഹരിച്ചുകൊണ്ടിരിക്കുന്നതു്.

കർഷകർ ഇന്നു കടക്കാരായിരിക്കുന്നു. അവൻ ലക്ഷ്വറികൊണ്ടു കടക്കാരനായതല്ല, കാടുകൾ വെട്ടിത്തെളിച്ചു തോപ്പുകളാക്കിയും കായൽ നികത്തിയും തെക്കൻ തിരുവിതാംകൂറിലും മററും ഡ്രൈലാൻഡ് വെററ്ലാൻഡാക്കിയും വലിയ പണച്ചെലവും പ്രയത്നവും ചെയ്തതാണ് കർഷകർ ഈ രാജ്യത്തെ ഇന്നത്തെ രൂപത്തിലാക്കിത്തീർത്തിരിക്കുന്നതു്.

[Mr. Tariatu Kunjitommen.]

വെള്ളം കോരിക്കൊണ്ടിരിക്കുന്ന കിണററിലെ ഉറവു നിന്നുപോയാൽ ആ കിണർ വററിപ്പോകുമല്ലോ. അതുപോലെ ഇറക്കുമതിയോടൊപ്പം കയററുമതിയും വേണം. അതിനുവേണ്ടി വേനലിലും മഞ്ഞത്തും മഴയത്തും അദ്ധ്വാനിക്കുന്ന കർഷകർക്കു ഇന്നു നേരിട്ടിരിക്കുന്ന ആപത്തിന് പരിഹാരമുണ്ടാക്കാനായി ഗവണ്മെൻറ് ഈ രൂപത്തിലാണോ ചെയ്യേണ്ടതു്? ഇതു വളരെ പരിതാപകരമായിപ്പോയി. ഈ ബില്ലുകൊണ്ടു കർഷകർക്കു എന്തെങ്കിലും ഒരു പരിഹാരം ഉണ്ടാകുന്നുണ്ടോ?

ഗവണ്മെൻറിനു ഇവിടത്തെ എല്ലാവരുടെ അവസ്ഥകളും അറിയാം. രണ്ടുവശത്തേയും ന്യായങ്ങൾ കേട്ടു, അതിനു വേണ്ട സമയവും എടുത്തു. ആറേഴ് വർഷങ്ങൾക്കുമുൻപു് ക്ഷാമനിവാരണക്കമ്മിററി ഏർപ്പെടുത്തി. അതിൽ ഞാനും ഒരു മെമ്പർ ആയിരുന്നു. കമ്മിററി ഒരു റിപ്പോർട്ടു സമർപ്പിച്ചു. ആ റിപ്പോർട്ടിലുള്ള ഒരു കാര്യത്തെപ്പററിയും ഗവണ്മെൻറാലോചിച്ചിട്ടില്ല. പിന്നീടും ജനങ്ങളുടെയിടയിൽ മുറവിളിയുണ്ടായി. കൌൺസിലിലും അസംബ്ലിയിലും മററും ഇതിനെപ്പററി വാദപ്രതിവാദങ്ങൾ ഉണ്ടായി. അപ്പോൾ ഗവണ്മെൻറു വീണ്ടും ഒരു കമ്മിററി ഏർപ്പെടുത്തി. അവരും ഒരു റിപ്പോർട്ടു സമർപ്പിച്ചു. അതിൽ പല നിർദ്ദേശങ്ങളും ഉണ്ടായിരുന്നിട്ടും അവകൾ ഒന്നും കണ്ടതായ ഭാവംതന്നെ ഈ ബില്ലിൽ കാണുന്നില്ല.

കൃഷിമാത്രം തൊഴിലായുള്ള ആളുകൾ—ഉത്തരതിരുവിതാംകൂറിൽ മൂവാററുപുഴ തൊടുപുഴ കുന്നത്തുനാട് മുതലായ മൂന്നു നാലു് താലൂക്കുകളിലെ പഴയ നിയമസഭാമെമ്പറന്മാരും മററു പൌരന്മാരുമായ ആളുകൾ—ഏകദേശം നാലായിരംജനങ്ങൾചേർന്നു ഒരു വലിയ യോഗം നടത്തി. ആ യോഗത്തിൽ ഞാനാണ് അദ്ധ്യക്ഷംവഹിച്ചതു്. അവിടെ ഒരു നിശ്ചയം പാസ്സാക്കി. ഒരു വലിയ മെമ്മോറിയലും ഗവണ്മെൻറിലേക്കു സമർപ്പിച്ചു. ഇങ്ങനെയുള്ള മെമ്മോറിയലുകൾ നാട്ടിൻെറ നാനാഭാഗങ്ങളിൽനിന്നും വന്നു. അവർക്കൊക്കും ആശ്വാസം ലഭിക്കത്തക്കവണ്ണം സാരമായ വ്യവസ്ഥയൊന്നും ഈ ബില്ലിൽ ഇല്ല.

ഈ കർഷകസംഘത്തെ ഉള്ളഴിഞ്ഞു സ്നേഹിക്കുന്ന മഹാരാജാവുതിരുമനസ്സുകൊണ്ടു തങ്ങളെ രക്ഷിക്കുമെന്നുള്ള ഒരൊററ ആശമാത്രമാണു അവർക്കുണ്ടായിരുന്നതു്. ഭരണവിദഗ്ദ്ധനായ സചിവോത്തമൻെറ സഹായദാക്ഷിണ്യങ്ങൾ കർഷകരുടെ നേരെയും ഉണ്ടാകുമെന്നു അവർ ആശിച്ചിരിക്കുകയാണ് ചെയ്തതു്. അവർ ഇപ്പോൾ ഇച്ഛാഭംഗത്തിലാണ്ടുപോ

യം. അവരുടെ കഥകളെല്ലാം നല്ലപോലെ ഗവൎമ്മെന്ററിഞ്ഞിട്ടുണ്ടു്. അവർ ഇനി മീററിംഗു കൂടേണ്ട ആവശ്യമില്ലെന്നു ഞാൻ അവരോടു പറഞ്ഞുകൊണ്ടിരിക്കയാണു. കർഷകരുടെ സങ്കടസ്ഥിതികൾ മനസ്സിലാക്കി, അവൎക്കു തൃപ്തികരമായ ഒരു നിയമം ഉണ്ടാക്കാൻ ഗവൎമ്മെന്റിനെക്കൊണ്ടു സാധിക്കയില്ല എന്നാണു വന്നിരിക്കുന്നതു്. ഈ വ്യവസ്ഥ അവൎക്കു ആശ്വാസത്തെ നൽകുന്നുണ്ടോ എന്നു ആലോചിക്കണം. കഴിഞ്ഞ കാലങ്ങളിൽ ചെയ്തുവച്ചിട്ടുള്ള കരാറുകളെയും വ്യവസ്ഥകളെയും ലംഘിക്കുന്നതുകൊണ്ടു ഉത്തമൎണ്ണന്മാൎക്കു അന്യായമായ നഷ്ടം നേരിടുന്നുണ്ടോ എന്നും ചിന്തിക്കണം. ഏകദേശം അൻപതു കൊല്ലങ്ങൾക്കു മുമ്പുണ്ടായ ഒരു തിരുവെഴുത്തുവിളംബരം കൊണ്ടു ചിലർ എത്രമാത്രം സങ്കടപ്പെട്ടു എന്നു നമുക്കറിയാം. രാജ്യത്തിന്റെയും ജനങ്ങളുടെയും ക്ഷേമത്തിനുവേണ്ടി അവർ അതു മൌനമായി സഹിച്ചു. മനുഷ്യരെ വിലയ്ക്കുമേടിക്കുകയും വിൽക്കുകയും ചെയ്യുന്ന അടിമവ്യാപാരത്തെ കുററകരമാക്കുന്ന തിരുവെഴുത്തുവിളംബരത്തെപ്പററിയാണു പറഞ്ഞതു്. ഓരോ വീടുകളിലും സ്ഥലങ്ങളിലും അനേകം ആളുകളെ അനവധി പണം ചെലവുചെയ്തു അടിമകളാക്കി വച്ചിരുന്നു. അവരെല്ലാം ഈ തിരുവെഴുത്തുവിളംബരംമൂലം വമ്പിച്ച നഷ്ടം സഹിച്ചു. ഒരു ചെറിയ ന്യൂനപക്ഷത്തിനു ദോഷകരമാണെന്നിരുന്നാലും ഭൂരിപക്ഷത്തിനു ഗുണകരമാകുന്നുണ്ടോ എന്നു നോക്കിയാണു നിയമങ്ങളും വ്യവസ്ഥകളും ഏർപ്പെടുത്തുന്നതു്. ചില കരാറുകൾ അപ്പോൾ ലംഘിക്കേണ്ടിവരും. ഏതു നിയമം എടുത്താലും ചിലൎക്കു അതു ദോഷം ചെയ്യുമെന്നു വന്നേക്കാം. നായർറെഗുലേഷൻതന്നെ എടുക്കുക. വമ്പിച്ച സ്വത്തിന്റെ സർവ്വാധികാരം ഭരിച്ചുകൊണ്ടിരുന്ന കാരണവന്മാർ ഈ റെഗുലേഷൻ നടപ്പായതിൽപിന്നീടു അവരുടെ ജനിച്ച ഒരു ശിശുവിനോടുതുല്യമായി. ഒരുത്തൎക്കും സങ്കടമില്ലാത്ത രൂപത്തിൽ ഒന്നുംതന്നെ നടപ്പിൽ വരുത്താൻ കഴിയുകയില്ല. ഭൂരിപക്ഷഭൂരിസുഖമാണു ഗവൎമ്മെന്റു നോക്കേണ്ടതു്. അതുകൊണ്ടു കർഷകർ കൊടുത്തുതീൎക്കേണ്ട കടങ്ങളുടെ പലിശയിലും മുതലിലും കുറവു വരുത്തുന്ന നിയമം ഉടനെ പാസാക്കി ജനങ്ങളെ ഈ ആപത്തിൽനിന്നും രക്ഷിക്കുക എന്നുള്ളതാണു ഗവൎമ്മെന്റിന്റെ കടമ. അതിനു ഉടനെ സാധിക്കയില്ലെങ്കിൽ ഈ ആപത്തിൽ അല്പം ആശ്വാസമെങ്കിലും കിട്ടുമല്ലോ; തങ്ങളെ സിവിൽജയിലിൽ അയയ്ക്കാതെയും തങ്ങളുടെ സ്വത്തുക്കൾ ഉത്തമൎണ്ണന്മാർ ഉടനെ വിററുകൊണ്ടുപോകാതെയും ഇരിക്കുമല്ലോ, എന്നുള്ള സമാധാനത്തോടെ ഈ ബില്ലിനെ അവർ സ്വാഗതം ചെയ്യുന്നു എന്നേയുള്ളൂ. ഉത്ത

[Mr. Tariatu Kunjitommen.]

മർണന്മാർ എണ്ണത്തിൽ വളരെ കുറച്ചുപേരേയുള്ളു. അവരിൽ മിക്കവാറും ആളുകൾ പട്ടണത്തിൽ നിവസിക്കുന്നവരാണ്. പട്ടണത്തിലുള്ള റോഡുകൾ, ലൈററുകൾ, എന്നിങ്ങനെയുള്ള സകല സുഖസൌകര്യങ്ങളും അവർക്ക് ലഭിക്കുന്നുണ്ട്. കാറും വണ്ടിയും അവർക്കുണ്ട്. കർഷകർക്ക് ഈ സുഖസൌകര്യങ്ങളൊന്നുമില്ല. അവർ ഇപ്പോൾ കടംകൊണ്ടു വളരെ വിഷമിക്കുകയും ചെയ്യുന്നു. കഴിഞ്ഞ ഇരുപത്തേഴ വർഷങ്ങളായി പ്രജാസഭ, നിയമസഭ മുതലായ പ്രതിനിധിസ്ഥാപനങ്ങളിൽ അവരുടെ പ്രതിനിധിയായി അവരുടെ കാര്യങ്ങൾ മാത്രം സംസാരിച്ചുകൊണ്ടിരുന്ന ഞാൻ ഇത്ര പ്രാധാന്യമേറിയ ഒരു കാര്യവും ഇതിനുമുമ്പ കൊണ്ടുവന്നിട്ടില്ലെന്നു തീർച്ചയായി പറയാം.

Mr. J. John Kattakayam : സർ, ഈ ബില്ലിനെ ഞാൻ അനുകൂലിക്കുന്നു. അതിനുള്ള പ്രധാനകാരണം ഉത്തമർണ്ണന്മാരുടെ ഒരു ഡെപ്യൂട്ടേഷൻ, സചിവോത്തമനായ അങ്ങയെ സന്ദർശിച്ച അവസരത്തിൽ "ഈ ബില്ല ഞാൻ പാസാക്കും" എന്ന് അവിടുന്നു ചെയ്തു ധീരമായ വാഗ്ദാനം ഒന്നാണ്.

President : Order, order. I think the honourable member has not been reproducing what was stated to the deputation. What was said to the deputation was that the Government having introduced the Bill and taken upon itself the task of ameliorating upon its own lines the plight of the agriculturists the Bill cannot be dropped. That is a matter that has been made out in the deputation.

Mr. J. John Kattakayam : പത്രങ്ങളിൽ പ്രസിദ്ധപ്പെടുത്തിക്കണ്ടതിനെ ആധാരമാക്കിയാണ് ഞാൻ ഈ പ്രസ്താവനചെയ്തതു. അതു വാസ്തവമായിട്ടും അവാസ്തവമായിട്ടും വരാം. ഞാൻ പറഞ്ഞതു സത്യമല്ലെങ്കിൽ വ്യസനിക്കുന്നു. അസംബ്ലിയുടെ ഇക്കഴിഞ്ഞ ബഡ്ജററു സെഷനിൽ ഈ ബില്ലിന്റെ രണ്ടാംവായന കഴിഞ്ഞു. പിന്നെ കുറെകാലത്തേക്കു ഈ ബില്ലിന്റെ കഥയെപ്പററി ആർക്കും ഒന്നും അറിഞ്ഞുകൂടായിരുന്നു. ഏതായാലും ഇപ്പോഴെങ്കിലും അസംബ്ലിയിൽ ഇതിന്റെ മൂന്നാംവായന കഴിഞ്ഞതിലും ഇവിടെ ഈ ബിൽ അവതരിപ്പിച്ചതിലും ഞാൻ അങ്ങയെ അഭിനന്ദിച്ചുകൊള്ളുന്നു. ഗവൺമെന്റു ഈ കൌൺസിൽമുമ്പാകെ ഒരു ബിൽ കൊണ്ടുവരുമ്പോഴല്ലാതെ ആ ബില്ലിനെ സംബന്ധിച്ച് എന്തെങ്കിലും സംസാരിക്കുന്നതിന് ഞങ്ങൾക്കവസരം കിട്ടുന്നതല്ല. ഏതായാലും അങ്ങയുടെ ആഗമനത്തോടുകൂടി ഈ ബില്ല വീണ്ടും ഈ സഭമുമ്പാകെ അവതരിപ്പിക്കുന്നതിനിടയായതിൽ ഞാൻ സന്തോഷിക്കുന്നു.

കാൎഷികാശ്വാസബിൽ എന്നാണ് ഇതിൻെറ പേര്. എന്നാൽ ഈ ബില്ല് ആപാദചൂഡം വായിച്ചുനോക്കുന്ന ഒരുവന് ഇതിൽ കൎഷകന്ന ആശ്വാസപ്രദമായവ്യവസ്ഥകൾ അധികമൊന്നും കാണുവാൻ കഴിയുന്നതല്ല. അതുകൊണ്ടു ഈ ബില്ലിന്നു നൽകിയിരിക്കുന്ന പേരുതന്നെ അനുയോജ്യമല്ല.

സാമ്പത്തികാധഃപതനാന്വേഷണക്കമ്മിററി എന്ന പേരിൽ ഒരു കമ്മിററിയെ ഗവൎമ്മെൻറു നിയമിച്ചു; അവരുടെ റിപ്പോൎട്ടു വരുത്തുകയുംചെയ്തു. എന്നാൽ മററു പല കമ്മിററിറിപ്പോൎട്ടുകളെ സംബന്ധിച്ചിടത്തോളവും ചെയ്തതുപോലെതന്നെ, ഈ റിപ്പോൎട്ടിനേയും ഗവൎമ്മെൻറു തള്ളിക്കളയുകയാണുണ്ടായതു്. എന്നാൽ ജനങ്ങളോടുള്ള കാരുണ്യംകൊണ്ടു് അവരുടെ കാണപ്പെട്ട ദൈവമായ പൊന്നുതമ്പുരാൻ തിരുമനസ്സുകൊണ്ടു് ഒരു തിരുവെഴുത്തുവിളംബരം പ്രസിദ്ധപ്പെടുത്തി. അതു വീണ്ടും പിൻവലിക്കുകയുംചെയ്തു. അന്നു് ജനങ്ങളുടെ സങ്കടകാൎയ്യങ്ങൾ തിരുമനസ്സിനെ അറിയിക്കുന്നതിനു ആരൊക്കെ ഇവിടെ ഉണ്ടായിരുന്നു. എന്നാൽ ആ തിരുവെഴുത്തുവിളംബരം പിൻവലിച്ചതു കണ്ടപ്പോൾ ജനങ്ങളോടുള്ള കാരുണ്യത്തിനും അവരുടെ സങ്കടത്തിലുള്ള സഹതാപത്തിനും അല്പം മാലിന്യം ഗവൎമ്മെൻറിനുണ്ടായില്ലേ എന്നു ഞങ്ങളെപ്പോലുള്ളവർ സംശയിക്കയുണ്ടായി. ആ തിരുവെഴുത്തുവിളംബരം പിൻവലിക്കുന്നതിനും ഞങ്ങൾ ഇങ്ങനെ സംശയിക്കുന്നതിനും പല കാരണങ്ങൾ ഉണ്ടായിരിക്കും.

ജനങ്ങളുടെ കടത്തിൻെറ സ്ഥിതിവിവരക്കണക്കെടുക്കുന്നതിന് ഗവൎമ്മെൻറു ഏൎപ്പാടുചെയ്തു. അതിനുള്ള ഫാറങ്ങളും പൂൎത്തിയാക്കുന്നതിനായി ഓരോ പ്രവൎത്തിക്കച്ചേരിതോറും അയച്ചുകൊടുത്തു. തങ്ങൾ ഈ ഫാറങ്ങൾ പൂൎത്തിയാക്കി അയച്ചുകൊടുത്താൽ മതിയെന്നും ഈ കടങ്ങളൊക്കെ ഗവൎമ്മെൻറു വീട്ടിക്കൊടുത്തുകൊള്ളുമെന്നും മററും വിചാരിച്ചു് ജനങ്ങൾ വളരെ സന്തോഷിച്ചു. എന്നാൽ അവരുടെ ആ ആശയും അററുപോയി. ചില ബാങ്കറന്മാരും ചില പെൻഷൻഡു ഉദ്യോഗസ്ഥന്മാരും മററും ഗവൎമ്മെൻറിനെ സമീപിച്ചതാണ് ഇതിനൊക്കെ കാരണമായതെന്നുള്ളതിനു യാതൊരു സംശയവുമില്ല. ജനങ്ങൾ ആശിച്ചതിനും മോഹിച്ചതിനും നേരെ വിരുദ്ധമായ ഫലം അതുളവാക്കി എന്നു പറയാതിരിക്കാൻ തരമില്ല. പുറത്തു നടക്കുന്ന ജനാഭിപ്രായത്തെ കണ്ണാടിയിലെന്നപോലെ, അതേരൂപത്തിൽ പ്രകടിപ്പിക്കുക മാത്രമാണ് ഞങ്ങളിവിടെ ചെയ്യുന്നതു്.

[Mr. J. John Kattakayam.]

കർഷകന്മാരുടെ അഭിവൃദ്ധിയെ ആശ്രയിച്ചാണ് രാജ്യത്തിൻെറ അഭിവൃദ്ധി സ്ഥിതിചെയ്യുന്നതു്. ഉദ്യോഗസ്ഥന്മാർ, വൈദ്യന്മാർ, വാദ്ധ്യാന്മാർ, വക്കീലന്മാർ തുടങ്ങിയ എല്ലാ വിഭാഗക്കാരും കർഷകരെക്കൊണ്ടു കഴിയുന്നവരാണ്. ഇവിടെ കറങ്ങുന്ന ഈ പങ്കാതന്നെ കർഷകരുടെ വിയർപ്പിൻെറ ഫലമായിട്ടുണ്ടായിട്ടുള്ളതാകുന്നു. അങ്ങനെ രാജ്യത്തിൻെറ ഒരു ജീവൽഘടകമായിരിക്കുന്ന കർഷകൻെറ ഇന്നത്തെ അവസ്ഥ വളരെ ദയനീയമായിരിക്കുന്നു. കിടക്കാൻ വീടില്ലാതെ, ഉടുക്കാൻ വസ്ത്രമില്ലാതെ, കുടിക്കാൻ കഞ്ഞിയില്ലാതെ കർഷകർ വലയുന്നു. ഈ രാജ്യത്തു് ബാങ്കറന്മാർക്കും മററും ഗവണ്മെൻറിലേക്കു യാതൊരുകരവും കൊടുക്കേണ്ട ആവശ്യമില്ല. എന്നാൽ ഒരു കർഷകൻ കരംകൊടുക്കാൻ നിവൃത്തിയില്ലാതെ അവൻെറ വസ്തുക്കൾ കണ്ടുകെട്ടി കൊണ്ടുപോകുന്നതു കണ്ടുകൊണ്ടിരിക്കുന്നു. ഇപ്പോൾ ഗസററിൻെറ ഭാരംവളരെ വർദ്ധിച്ചിട്ടുണ്ട്. ഓരോ താലൂക്കുകളിലും ഇരുനൂറും മുന്നൂറും വസ്തുക്കൾവീതം കരക്കുടിശ്ശികക്കു ലേലത്തിൽ വിൽക്കുന്നുണ്ട്. റവന്യൂക്കമ്മീഷണർ ഇക്കാര്യത്തിൽ ഒരു ദാക്ഷിണ്യവും കാണിക്കാറില്ല. പല പ്രകാരത്തിൽകൂടി കർഷകൻെറ പണം നിരന്തരമായും നിരംകുശമായും ധനാഢ്യന്മാരുടെ മടിശ്ശീലയിലേക്കു ഒഴുകിക്കൊണ്ടിരിക്കയാണിപ്പോൾ. ഇവിടുത്തെ കർഷകർക്ക് ഇപ്പോഴും യാഥാസ്ഥിതികമായ കൃഷി ചെയ്യാനേ അറിയാവൂ. തിരുവിതാംകൂർഗവണ്മെൻറു ഇവിടെ ഒരു കൃഷിഡിപ്പാർട്ടുമെൻറു ഏർപ്പെടുത്തിയിട്ട് രണ്ടു വ്യാഴവട്ടക്കാലമായി. ഇതുവരെ അതുകൊണ്ട് പറയത്തക്ക പ്രയോജനമൊന്നും കൃഷിക്കാർക്കുണ്ടായിട്ടില്ല. ആണ്ടോടാണ്ട് പല കൃഷികളും ഗവർണ്മെൻറു നടത്താറുണ്ട്. മാതൃകാകൃഷി എന്നാണ് അതിനെപ്പററി പറയാറുള്ളതു്. ഏതെല്ലാം കൃഷികൾ ഗവണ്മെൻറു നടത്തീട്ടുണ്ടോ ആ കൃഷികളൊക്കെ നഷ്ടം. ഇതിനുവേണ്ടി മുടക്കുന്ന പണത്തിനു പലിശയില്ല. വേലക്കാർക്കു പ്രത്യേകം ശമ്പളമില്ല. കൃഷിചെയ്യുന്ന ഭൂമിതന്നെയും ഗവണ്മെൻറുഭൂമിയാണ്. ഇങ്ങനെ നടക്കുന്ന മാതൃകാകൃഷികളെല്ലാം, നഷ്ടം, നഷ്ടം, നഷ്ടം എന്നു ആണ്ടോടാണ്ടു നാം കാണുന്നുണ്ട്. തിരുവിതാംകൂർ ഗവണ്മെൻറു നടത്തുന്ന കൃഷി സകലതും നഷ്ടമാണെന്നു വന്നാൽ, യാഥാസ്ഥിതികനായ ഒരു കർഷകൻ, വിലകൊടുത്തുവാങ്ങുന്ന ഭൂമിയിൽ ചെയ്യുന്ന കൃഷി നഷ്ടത്തിൽ കലാശിക്കുന്നതിൽ അത്ഭുതപ്പെടുവാനുണ്ടോ? പോരെങ്കിൽ മണ്ണിൻെറ വീര്യവും ഇപ്പോൾ നശിച്ചു തുടങ്ങിയിരിക്കുന്നു.

കർഷകന്റെ രക്ഷയെ സംബന്ധിച്ചിടത്തോളം ഗോൾഡ്സ്മിത്ത് ഇങ്ങനെ പറയുന്നു.

> "A bold peasantry their country's pride
> When once destroyed can never be supplied
> Ye, friends to truth, Ye, statesmen who survey,
> The rich man's joys increase the poor man's misery."

President: I think the honourable member may take the verse as read. I take it that the remarks of the honourable member are introductory to the discussion of this Bill.

Mr. J. John Kattakayam: സംതൃപ്തരായ കർഷകലോകം ഒരു രാജ്യത്തിന്റെ അഭിമാനമാണ്. ഇങ്ങനെയുള്ളവരെ ഒരിക്കൽ നശിപ്പിച്ചാൽ വീണ്ടെടുക്കുക അസാദ്ധ്യമാണ്. സത്യതല്പരരെ! ഭരണധുരന്ധരരെ! സമ്പന്നന്റെ സന്തോഷം നിർദ്ധനന്റെ കണ്ണീരുകളെ വർദ്ധിപ്പിക്കുന്നു എന്നാണ് ഗോൾഡ്സ്മിത്ത് പറയുന്നത്.

സർ, ഉത്തമർണ്ണന്മാർ ഭയപ്പെടുന്നതും അധമർണ്ണന്മാർ വെറുക്കുന്നതുമായ ഒരു ബിൽ ആണ് ഇപ്പോൾ നമ്മുടെ മുമ്പാകെ കാണുന്നത്. അസംബ്ളിയിലെ രണ്ടാംവായനയിൽ പാസാക്കിയ നിശ്ചയങ്ങൾക്ക് അതേ ആളുകൾതന്നെ മൂന്നാംവായനയ്ക്ക് അംഗഭംഗം വരുത്തിയിരിക്കുന്നു.

കർഷകർ യഥാസ്ഥിതികരാണെന്നും അവർ സഹായത്തെ അർഹിക്കുന്നവരാണെന്നും ഞാൻ പറഞ്ഞുകഴിഞ്ഞു. ഈ സാമ്പത്തികാധഃപതനകാലത്ത് പല സ്ഥലങ്ങളിലും അവർക്ക് ഓരോ തരത്തിലും ഈ സൌജന്യങ്ങളും ആനുകൂല്യങ്ങളും ഗവണ്മെന്റ് ചെയ്തുകൊടുക്കുന്നുണ്ട്. റോമിലും ഗ്രീസിലും കടക്കാരെ സംബന്ധിച്ച് അനേകം നിയമങ്ങൾ അടുത്തകാലത്തുണ്ടായിട്ടുണ്ട്. ജൂലിയസ് സീസറിന്റെ കാലത്തു കടക്കാരുടെ മുറവിളികൊണ്ട് ഇററലിമുഴുവൻ അസ്വസ്ഥമായിരുന്നതിനാൽ അദ്ദേഹം ആ നിമിഷംവരെ ഉണ്ടായിരുന്ന സകലകടങ്ങളും വിളംബരംമൂലം അസ്ഥിരപ്പെടുത്തി. ഗ്രീസിലും കടക്കാരെ രക്ഷിപ്പിപ്പാനായി കാര്യമായ നിയമങ്ങൾ ഉണ്ടാക്കിയിട്ടുണ്ട്. ഇററലിരാജ്യത്തെ ജനങ്ങളുടെ ഇടയിൽ നോട്ടായും ബില്ലായും പണയാധാരമായും മററുതരത്തിലുമുണ്ടായിരുന്ന കടങ്ങളെല്ലാം വസ്തുവിൽ സ്ഥാപിച്ചു നാലു കൊല്ലംകൊണ്ടു ക്രമമായി കൊടുത്തുതീർക്കാൻ തക്കവണ്ണം നിയമമുണ്ടായി.

ക്യാനഡായിൽ ഒരു കടത്തെ സംബന്ധിച്ചിടത്തോളം വാങ്ങിയ കടത്തിന്റെ സ്വഭാവം, വാങ്ങിയ പണത്തിന്റെ ചെലവ് ഉപയോഗം, കൊടുത്ത പലിശയുടെ തുക പലിശരസീതു മുതലായതു കണക്കാക്കി

[Mr. J. John Kattakayam.]

ആ കടത്തിനു ഏതാനും ഭാഗം കുറച്ചുകളയുന്നതിനും കോടതിക്ക് അധികാരംകൊടുത്തു.

ഇപ്പോഴത്തെ കുറഞ്ഞ വിലയിൽനിന്നും സാമാനങ്ങളുടെ വില മുൻകാലങ്ങളിലെ വിലയോടൊപ്പമാകുന്നതുവരെ കടംകൊടുത്ത ഒരുവനും മുതലോ പലിശയോ തിരിച്ച് ആവശ്യപ്പെടരുതെന്നു വെയിൽസിൽ നിയമം ഏർപ്പെടുത്തി.

യാതൊരുവിധത്തിലും പലിശക്കു പലിശ ഈടാക്കരുതെന്നു ബംഗാളിൽ നിയമമുണ്ട്. യുണൈറ്റഡ് പ്രാവിൻസിൽ പലിശനിരക്കു കുറക്കുന്നതിനും വാങ്ങിച്ചകടം ചുരുങ്ങിയ പലിശയിൽ ൪ മുതൽ ഓരോ കടത്തിന്റെയും തുകപോലെ ൨൦ കൊല്ലംകൊണ്ട് അടച്ചുതീർക്കുന്നതിനുംവിധിക്കുന്നതിനു കോടതികൾക്ക് അധികാരം കൊടുത്തിട്ടുണ്ട്.

ഇൻഡ്യയിലെ നാട്ടുരാജ്യങ്ങളിൽ ബറോഡാ, മൈസൂർ പുതുക്കോട്ട, ഭാവ്നഗരം, മുതലായ സ്ഥലങ്ങളിലും കടക്കാരെ രക്ഷിക്കാനായി പലതും ചെയ്തു. ഭാവ്നഗർപദ്ധതി ഇവിടേയും സ്വീകരിക്കുന്നതു നന്നായിരിക്കും. ൮൬ ലക്ഷം രൂപയാണ് അവിടേ ആകെ കടം ഉണ്ടായിരുന്നത്. അവിടെയുള്ള ഉത്തമർണ്ണന്മാരെയും അധമർണ്ണന്മാരെയുംവിളിച്ചുവരുത്തി പറഞ്ഞുതീർത്തപ്പോൾ ആ കടം ഇരുപതര ലക്ഷമായികുറഞ്ഞു. അതിന്റെ ഫലമായി ഇപ്പോൾ അവിടെ കടക്കാരെ ഇല്ലാതായി. ഉത്തമർണ്ണന്മാരെയും അധമർണ്ണന്മാരെയും ഒരേ നിലയിൽ കണക്കാക്കരുത്. വാങ്ങിച്ചപണം കൊടുക്കണം. വാങ്ങാത്ത പണം കൊടുക്കണമെന്നു നിർബന്ധിക്കുന്നതു കഷ്ടമായിരിക്കും.

"എട്ടുപണം വിലയുള്ളതിനവർ പതി-
നെട്ടുപണം വിലവച്ചു കൊടുക്കും.
അവരൊടുചെന്നു കടം കൊണ്ടെങ്കിൽ
ഭവനംകൂടെ നശിപ്പാറാകും.
പത്തിനു കാലു കൊടുക്കണമപ്പോൾ"

ഉത്തമർണ്ണന്മാരുടെനടപടിയെപ്പറ്റി ഇങ്ങനെയൊക്കെയാണ് ഒരു കവി പാടിയിരിക്കുന്നത്. വാങ്ങിച്ച പണം കൊടുക്കേണ്ടതുതന്നെ. അക്രമമായും അനീതിയായും ചോദിക്കുന്ന തുക മുഴുവൻ കൊടുക്കണമെന്നു നിർബന്ധിക്കുന്നതു ശരിയല്ല. വാങ്ങിച്ച മുതൽ കൊടുക്കണമെന്നല്ലാതെ പലിശ കൊടുക്കണമെന്നു ഒരു മതങ്ങളും നിർബന്ധിക്കുന്നില്ല. ബൈബിൾ, അങ്ങനെ പറയുന്നില്ല. ഖുറാനിലും പറയുന്നില്ല. മതതത്വങ്ങളും രാജ്യതന്ത്രജ്ഞതയും തമ്മിൽ മിക്കവാറും അഭിന്നനില

സ്വീകരിക്കുന്നതായി കണ്ടുവരുന്ന സ്ഥിതിക്ക് പലിശ കൊടുക്കുവാൻ നിർബന്ധിക്കുന്ന നിയമം തന്നെ ഉണ്ടാക്കാൻ പാടില്ലാത്തതാകുന്നു.

ഇനി വാറണ്ടിനെപ്പററിയാണ് എനിക്കു പറയാനുള്ളതു്. പരിഷ്കൃത രാജ്യങ്ങളിൽ എല്ലായിടത്തും വാറണ്ടു നിർത്തിവച്ചിരിക്കുകയാണു. കടക്കാരനെ വാറണ്ടിൽ പിടിച്ചിരുത്തുന്നതു കൊണ്ടു വലിയ പ്രയോജനമുണ്ടാകുകയില്ല. ഒരുവനു ദൈവഗത്യാ വന്നു ചേർന്നിരിക്കുന്ന അധഃപതനം കൊണ്ടു് കടം വീട്ടുവാൻ കഴിയുന്നില്ലെങ്കിൽ, അവൻെറ ദേഹത്തെ ആക്രമിച്ച് അവനെ അധിക്ഷേപിക്കുന്നതു ശരിയാണോ?

President : The House has no doubt listened with interest to the practice adopted in Rome and Greece and Italy and also to the question of the righteousness of interest as such. These are keenly interesting questions which have their place. The House will be extremely interested to hear his discussion of this Bill. Time has now arrived when he can reach the Bill.

Mr. J. John Kattakayam: ഈ ബില്ലിൽതന്നെ ഒരുവനെ വാറണ്ടിൽനിന്നും ഒഴിവാക്കുന്ന സംഗതിയിൽ കോടതി അധികൃതന്മാരുടെ യുക്തംപോലെ ചെയ്യാമെന്നു വ്യവസ്ഥ ചെയ്തിരിക്കുന്നു. ഇതു നിയമത്തേയും ഉല്ലംഘിച്ചുള്ള ഒരു പ്രവർത്തനമാകുന്നുണ്ടു്. ഒരുവൻ കടക്കാരനായതു വെറും ഒരു യാദൃച്ഛികസംഭവമാണെന്നു ഗണിക്കുവാൻ ഈ ബില്ലനുസരിച്ചു വളരെ ശീഘ്രപ്രയത്നം കഴിക്കേണ്ടതുണ്ടു. ഒരുവൻെറ ദേഹത്തെ തൊടുന്നതിനുള്ള അവകാശം അവൻെറ ഭാര്യക്കല്ലാതെ മററാർക്കാണുള്ളതു്. അവൻെറ കുഞ്ഞുകുട്ടികൾക്കുമുണ്ടായിരിക്കും. അഭിമാനത്തെ സംരക്ഷിക്കുക എന്നുള്ളതു് ആർക്കും ആവശ്യമാകുന്നു. അതുകൊണ്ടു പരിഷ്കൃതരാജ്യങ്ങളിൽ ചെയ്തിരിക്കുന്നതുപോലെ ഈ ബില്ലിൽതന്നെ ഒരുഭേദഗതി കൊണ്ടുവരണമെന്നാണ് ഞാൻ പറയുന്നതു്. ഇപ്പോൾ വരുത്തിയില്ലെങ്കിലും അടുത്തഭാവിയിൽ ആ നില വരുത്തിത്തരുന്നതിനുള്ള നടപടികൾ ഗവണ്മെൻറു ചെയ്യേണ്ടതാകുന്നു.

ഋണനിവാരണത്തെപ്പററി അന്വേഷിക്കാൻ നിയമിച്ച കമ്മിററി തിരുവിതാംകൂറിൻെറ എല്ലാഭാഗങ്ങളിലും കാർഷികഋണഭാരം ഉണ്ടെന്നു റിപ്പോർട്ടുചെയ്തിട്ടുണ്ടു്. എന്നാൽ രഞ്ജകബോർഡുകൾ തിരുവിതാംകൂറിൻെറ ഏതാനും ഭാഗത്തുമാത്രം മതിയെന്നു നിശ്ചയിച്ചതു ശരിയല്ല. അതും പരീക്ഷണാർത്ഥമാണുപോലും. എന്തിനു പരീക്ഷണാ

[Mr. J. John Kattakayam.]

ത്വം ഈ രഞ്ജകബോർഡുകൾ ഏർപ്പെടുത്തുന്നു? മൈസൂരിലും ബ്രിട്ടീഷ് ഇൻഡ്യയിൽ പല പ്രവിശ്യകളിലും ഇത്തരം രഞ്ജകബോർഡുകൾ ധാരാളം ഏർപ്പെടുത്തിട്ടുണ്ട്. അവയെല്ലാം അവിടെ വളരെ വിജയകരമായി തീർന്നിട്ടുണ്ട്. നമുക്കും ആ രഞ്ജകബോർഡുകളെ ഇവിടെ പകർത്തിയാൽ മതി. വളരെ ഭയപ്പെട്ടും പരീക്ഷണാർത്ഥമെന്നു പറഞ്ഞും ഇപ്രകാരം രഞ്ജകബോർഡുകൾ ഇവിടെ ഏർപ്പെടുത്തേണ്ട വിഷമതയുമില്ല. രാജ്യമാസകലം കാർഷികടങ്ങൾ ഉണ്ടെന്നു പറയുന്ന നിലയ്ക്കു കുറച്ചു സ്ഥലങ്ങളിൽമാത്രം ബോർഡുകൾ ഏർപ്പെടുത്തുക എന്നുവച്ചതു ഒരിക്കലും ശരിയല്ല. ഈ സ്റ്റേറ്റിനുള്ള ഒരു സുഖക്കേടിന്, തിരുവനന്തപുരത്തുമാത്രം ഒരു വൈദ്യനെ നിയമിക്കുന്നതിനോടു തുല്യമായിരിക്കും അതു്. മഹാരാജാവുതിരുമനസ്സിലെ പ്രജകൾക്കെല്ലാവർക്കും അതുകൊണ്ടു പ്രയോജനമുണ്ടാകുകയില്ല. ലാമെമ്പർക്കുടി ഉണ്ടായിരുന്ന ഒരു കമ്മിററിയിൽ വച്ചാണു് രാജ്യത്തിന്റെ എല്ലാഭാഗങ്ങളിലും രഞ്ജകബോർഡുകൾ വേണമെന്നു നിശ്ചയിച്ചിട്ടുള്ളതു്. അന്നദ്ദേഹം എവിടെപോയിരുന്നു? പിന്നീടു് അദ്ദേഹത്തിനു അതിൽനിന്നും വ്യതിചലിക്കുകയൊ വ്യഭിചരിക്കുകയൊ ചെയ്യുന്നതിനുള്ള ആവശ്യം എങ്ങനെയുണ്ടായി? അദ്ദേഹം വീണ്ടും അതിനു ഭേദഗതികൊണ്ടുവന്നിരിക്കുന്നു. ഞാൻ ആരേയും ആക്ഷേപിക്കുവാൻ അങ്ങനെ പറഞ്ഞതല്ല.

President: Honourable member need not address his other friends. But he may address the remarks to the Chair and proceed.

Mr. J. John Kattakayam: എല്ലാ സ്ഥലങ്ങളിലും ബോർഡുകൾ ഏർപ്പെടുത്തുന്നതിന് ഒരു തടസ്ഥമായി ലാമെമ്പർ പറഞ്ഞതു് വേണ്ടിടത്തോളമുള്ള ആളുകളെ കിട്ടുന്നില്ല എന്നാണ്. എനിക്കതു കേട്ടിട്ടു് വളരെ അത്ഭുതം തോന്നുന്നുണ്ട്. സാക്ഷരത്വം സിദ്ധിച്ച ആളുകൾ ഈ രാജ്യത്തു സുലഭമായിരിക്കെ ഇത്തരത്തിലുള്ള ഒരു പ്രസ്താവന ചെയ്യുവാൻ അദ്ദേഹം ധൈര്യപ്പെട്ടല്ലോ എന്നു ഞാൻ അത്ഭുതപ്പെടുന്നു. മറെറാരു തടസ്ഥം, ഇവിടെ അതിനു വേണ്ടിടത്തോളമുള്ള പണമുണ്ടാകയില്ലെന്നാണു്. ഗവണ്മെന്റു വിചാരിച്ചാൽ ഇവിടെ പണമുണ്ടാകുകയില്ലെന്നോ! ധാരാളം ഉണ്ടാകും. പബ്ളിക്ക് സർവീസ് കമ്മീഷണറെ നിയമിക്കുന്നതിനു പണമുണ്ടായില്ലേ? ഇതുപോലെ ഏതെങ്കിലും രൂപത്തിൽ ഇതിനും ഒരു പോംവഴി ഗവണ്മെന്റിനു കണ്ടുപിടിക്കുവാൻ കഴിയുന്നതാണു്. ലാമെമ്പറുടെ വാദമുഖങ്ങളെ ഏ

ററവും ന്യായീകരിക്കാൻവേണ്ടി അദ്ദേഹം അതു പ്രസ്താവിച്ചു എന്നല്ലാതെ മറെറാന്നും പറയുവാൻ കാണുന്നില്ല. ഷൈലാക്ക്മനഃസ്ഥിതിയോടുകൂടിയിരിക്കുന്ന ഉത്തമർണ്ണരിൽനിന്നും അധമർണ്ണരെ രക്ഷിച്ചില്ലെങ്കിൽ അതിൻെറ ഫലം വളരെ കഷ്ടത്തിലായിരിക്കും. ഉൾനാട്ടുകളിലെ സ്ഥിതിയെപ്പററിയുള്ള ശരിയായ ജ്ഞാനം ഗവണ്മെൻറിനോ ഗവണ്മെൻറുദ്യോഗസ്ഥന്മാൎക്കോ ഏതൽപൎയ്യന്തം ഉണ്ടായിട്ടുണ്ടോ എന്ന് എനിക്കു സംശയമാണ്. പണ്ടൊരു ഋണനിവാരണനിയമം ഉണ്ടാക്കിയിട്ടുണ്ട്. ഈ നിയമത്തിനു ഉദ്ദേശം ൯൭൦ കൊല്ലത്തേയും അതിൻെറ വ്യാഖ്യാനത്തിനു ൨൦൦ കൊല്ലത്തേയും പഴക്കമുണ്ട്. ഈ നിയമം മൺറോ സായിപ്പിൻെറ കാലംവരെ നടപ്പിലിരുന്നു. ഒട്ടുവളരെ റെഗുലേഷൻ അടുത്ത കാലത്തച്ചടിച്ച ഒരു പുസ്തകത്തിലാണ് ഇതു കാണുന്നത്. അതിൽനിന്നും ഒന്നുരണ്ടുഭാഗങ്ങൾ ഇവിടെ ഉദ്ധരിച്ചുകൊള്ളാം. "മഴയില്ലെങ്കിലും മഴ അധികമായിട്ടില്ലെങ്കിലും സംഘടനമരണാകൊണ്ടു ദുർഭിക്ഷം തുടങ്ങിയിരിക്കുന്ന സമയത്തിലും ദുഷ്ടന്മാരായിട്ടുള്ള ചൌരന്മാരെക്കൊണ്ടു പ്രജകൾക്കു ദോഷം വന്നിരിക്കുന്ന സമയത്തിലും ധർമ്മകാൎയ്യത്തിനായിട്ടു കടംവാങ്ങിച്ചു ധർമ്മത്തിൽ ചിലവിട്ടിരിക്കുന്ന ദ്രവ്യത്തിനും കടംവാങ്ങിച്ചവനു ആപത്തു വന്നിരിക്കുന്ന സമയത്തിലും മുതൽക്കു മുതലായിട്ടു തീർത്തുകൊടുക്കണം. പലിശകൊടുപ്പാൻ ന്യായമില്ല." മുതൽകൊടുക്കണമെന്നല്ലാതെ പലിശകൊടുക്കണമെന്നു പറയുന്നില്ല. പിന്നെ വേറൊരുഭാഗത്ത്.—

"അച്ഛൻ ജീവിച്ചിരിക്കുമ്പോൾ എത്രയും രോഗിയായിപോയെങ്കിലും ദേശാന്തരം പോയെങ്കിലും പുത്രൻ ൨൦സംവത്സരകാലത്തിനകം കടം കൊടുത്തു തീക്കണം."

ഇപ്പോഴത്തെ നിയമം ഇങ്ങിനെയല്ല. വാങ്ങിച്ചപണം ഉടനെ കൊടുത്തില്ലെങ്കിൽ വസ്തു കൊണ്ടുപോകതന്നെ ചെയ്യും.

"അച്ഛൻ വാങ്ങിച്ച കടം കൊടുക്കുന്നതിനുമുമ്പിൽ കഴിഞ്ഞുപോയി എങ്കിൽ ൧൬ വയസ്സുകഴിഞ്ഞു മകനു വ്യവഹാരം പറവാൻ പ്രാപ്തിവന്നതിൽപിന്നെ അച്ഛൻ വാങ്ങിച്ചകടം കൊടുത്തുതീക്കണം. പ്രാപ്തിവരുന്നതിനു മുമ്പ് കടക്കാൎക്കുകൊടുപ്പിക്കാൻ ന്യായമില്ല." ഇങ്ങനെയൊക്കെയാണു പണ്ടത്തെനിയമം. അതിനു ശേഷം ഒരു ൧൦൦ കൊല്ലത്തിനുമുമ്പു ഒരുനിയമമുണ്ടായി. അന്നു ഭീമമായ പലിശ വാങ്ങിക്കൊണ്ടിരുന്നു. പ്രമാണത്തിൽ കാണുന്ന പലിശ കൊടുപ്പിക്കണമെന്നാണ് അന്നത്തെ നടപ്പ്. ഇതുകൊണ്ടു ജനങ്ങൾക്കു വളരെ സങ്കടങ്ങൾ വരു

[Mr. J. John Kattakayam]

നുണ്ടെന്നു കണ്ടു സ്വാതിതിരുനാൾ മഹാരാജാവു തിരുമനസ്സുകൊണ്ടു ൧൦൧൦ കുംഭത്തിൽ പലിശയെസംബന്ധിച്ചു ഒരു നിയമമുണ്ടാക്കി. അതിൽ—

"യാതൊരുമുൻസിഫന്മാരും അവരുടെ വിധിയാൽ ൧൦൦-ക്ക് ആണ്ടിനാൽ ൧൨ രൂപായിൽ കൂടുതൽ പലിശ അനുവദിക്കരുത്. പ്രമാണത്തിൽഇതിൽ കുറഞ്ഞ പലിശയായിരുന്നാൽ കുറഞ്ഞ പലിശയും വിധിച്ചുകൊള്ളണം" എന്നാണു കാണുന്നതു്. ഇങ്ങനെ പണ്ടേതന്നെ അപ്പഴപ്പോഴായിധാരാളം വിളംബരങ്ങൾ ഉണ്ടാകാറുണ്ടായിരുന്നു. നാത്ത് വെസ്റ്റ് ഫ്റാൻടിയർ പ്രാവിൻസിലെ കൃഷിഡയറക്ടരായ ലഫ്റ്റെനൻറു കർണ്ണൽ ഇ. നോയൽ കടനിവാരണം സംബന്ധിച്ചു എഴുതിയിട്ടുള്ള ഒരു റിപ്പോർട്ടു സഹകരണാന്വേഷണ കമ്മിററി റിപ്പോർട്ടിൽ ൩൭ മുതൽ ൩൯ വരെവശങ്ങളിൽ കാണുന്നു. അതിപ്രകാരമാണ്.

"കടക്കാർ പാമ്പിൻെറ കടിയേററവരാണെന്നും, കടക്കാരെകടിച്ച പാമ്പ് സിവിൽകോടതികളാണെന്നും" മററുമാണ്. കൃഷിക്കാർകൊടുക്കുന്ന പലിശകൊണ്ടു ഉത്തമർണ്ണരെ പുലർത്തുന്നു. അവക്കതു വാങ്ങിക്കൊടുക്കാൻ സിവിൽകോടതികളേയും വച്ചിട്ടുണ്ട്. ഉത്തമർണ്ണരുടെ രക്ഷക്കു പര്യാപ്തമായ പദ്ധതികളാണു ഇവിടെ അനുസ്രണം ചെയ്തിരിക്കുന്നതെന്നു മി. കുഞ്ഞിത്തൊമ്മൻ പറയുകയുണ്ടായി. കടപ്പാടമില്ലാത്തവൻ എരപ്പാളിയാണ്. എവിടെയെങ്കിലും കുറെ വസ്തുവാങ്ങിക്കണമെന്നല്ലാതെ മററു രാജ്യങ്ങളെപ്പോലെ വല്ല വ്യവസായത്തിലും ഏർപ്പെടാൻ ഇവിടത്തെ ജനങ്ങൾക്കിശ്ചയില്ല. അതുകൊണ്ടു കിട്ടിയ പണമെല്ലാം വസ്തുവിൽ മുടക്കി. അന്നു ഉൽപ്പന്നങ്ങൾക്കു വില വർദ്ധിച്ചിരുന്ന കാലമായിരുന്നു. എന്നാൽ അതിനുശേഷം ഉൽപ്പന്നങ്ങളുടെ വില ക്രമാതീതമായി കുറഞ്ഞുപോയിരിക്കുന്നു. അതുകൊണ്ടു ഉൽപ്പന്നങ്ങളുടെ വില കുറഞ്ഞ ൧൦൭ മുതൽ പലിശനിരക്കു കുറച്ചുതരണമെന്നു ജനങ്ങൾ മുറവിളികൂട്ടി. ഇതാൽ ഗവമ്മെൻറു അധമർണ്ണരെ സഹായിക്കുമെന്ന സംശയം തട്ടിയപ്പോൾ മുതൽ ഉത്തമർണ്ണർ അധമർണ്ണരുടെ പിടലിക്കു പിടിച്ചുതുടങ്ങി. കൃഷിക്കാരുടെ രക്തവും കണ്ണീരും ഉത്തമർണ്ണരുടെ ഇരുമ്പുപെട്ടികളിൽ അടക്കിയിട്ടിരിക്കുന്നു. ഉത്തമർണ്ണക്കും പലിശശരിയായി കിട്ടിക്കൊണ്ടിരിക്കണമെന്നേയുള്ളു. മുതൽ കൊണ്ടുകൊടുത്താലും വാങ്ങിക്കാൻമടിക്കുന്നുണ്ട്. ഇതിപ്പോഴും കൃഷിക്കാരനെ ദുഃഖപ്പെടുത്താനുള്ള ഒരായുധമായിട്ടേ ഞാൻ കരുതുന്നൊള്ളു. ഇപ്രകാരമുള്ള ഒരായുധം എത്ര

യോ ഉന്നതനിലയിലുള്ള ഒരു വ്യക്തിയായിരുന്നാൽതന്നെയും അയാളുടെ കയ്യിൽ കൊടുക്കരുത്. ആ ആയുധവുമായി കത്താൻ വരുമ്പോൾ എന്തെന്നില്ലാത്ത ഒരു ഞെട്ടലുണ്ടാവുക സഹജമാണ്. പലിശ മുടക്കം വന്നാൽ ആ തുക മുതലോടുകൂടി ചേർത്തെഴുതിത്തരണമെന്നു പറയും. അങ്ങിനെ എഴുതികൊടുത്തില്ലെങ്കിൽ കേസുകൊടുക്കും. തങ്ങളുടെ അഭിമാനത്തെ സംരക്ഷിക്കാൻവേണ്ടി അധമർണർ ഉത്തമർണരാവശ്യപ്പെടുന്ന തുകക്കെഴുതിക്കൊടുക്കുകയാണ് പതിവ്. ഭവനഗരിലെപ്പോലെ കൊടുക്കാനുള്ളതും വാങ്ങിക്കാനുള്ളതുമായ ഒരു ലിസ്റ്റുണ്ടാക്കിയാൽ ശരിയായ കടം അറിയാറാകും.

ഗവണ്മെൻറ് എപ്പോഴും ന്യൂനപക്ഷക്കാരുടെ സുഖസൌകര്യങ്ങളെ മാത്രമാണു നോക്കുന്നത്. വാസ്തവത്തിൽ ഭൂരിപക്ഷമായ കൃഷിക്കാരുടെ സുഖസൌകര്യാദികളിൽ പ്രവർത്തിക്കേണ്ടതാകുന്നു ഗവണ്മെൻറിൻെറ കടമ. ഉൾഗ്രാമങ്ങളിലെ കൃഷിക്കാരുടെ സ്ഥിതി എന്താകുന്നു. ഞങ്ങളുടെ ദിക്കിൽചെന്നാൽ ഈ ബില്ലു പാസാക്കിത്തരണമെന്നുള്ള മുറവിളി നിരന്തരം മാറ്റൊലികൊണ്ടു ഞങ്ങൾ ഇതികർത്തവ്യതാമൂഢരായിതീർന്നിരിക്കുന്നു. ഈ അവസരത്തിൽ കർഷകജനതയുടെ രക്ഷയെന്താണ് എന്നു ഗവണ്മെൻറു ആലോചിച്ചു നോക്കേണ്ടതാണ്.

കടം വർദ്ധിക്കുന്നതിനും അതൊരു തീരാബാധയായി തീരുന്നതിനുമുള്ള പ്രധാനകാരണം പലിശനിരക്കു വർദ്ധിക്കുന്നതും അതിനെ കോടതികളനുവദിക്കുന്നതുമാണെന്നു ബാങ്കിംഗ് എൻക്വയറി കമ്മിററി റിപ്പോർട്ടിൽ പ്രസ്താവിച്ചിട്ടുണ്ട്. ലഫ്റ്റനൻറു കർണൽ നോയൽ പറയുന്നതു് ഗ്രാമീണരുടെ കൊടിയ ശത്രു പണവ്യാപാരിയാണെന്നാണ്.

പഞ്ചാബ്, ബാംബേ, സെൻട്രൽപ്രാവിൻസസ, മദ്രാസ്, ആസാം മുതലായ സ്ഥലങ്ങളിൽ പലിശനിരക്കു കുറച്ചിരിക്കുന്നു. നിയമത്തോടു കൂടുതൽ പ്രതിപത്തിയുള്ള റോമാക്കാർ അവരുടെ സാമ്രാജ്യത്തിൻെറ അത്യുച്ചപ്രതാപകാലങ്ങളിൽ കടബാദ്ധ്യതകൾ നിയമംമൂലം അസ്ഥിരപ്പെടുത്തിയതായി ചരിത്രം സാക്ഷ്യംവഹിക്കുന്നു. ൧൦൬൩, ൧൦൬൯ ഈ കാലങ്ങളിൽ അബ്കാരി ഷാപ്പുകൺട്രാക്റ്റർമാർക്കു അവരടക്കേണ്ട സംഖ്യയിൽ ഇരുപതും മുപ്പതും ശതമാനം കുറച്ചുകൊടുത്തു. അസന്മാർഗ്ഗികമായ നിലയിൽകൂടി ധനം ആർജ്ജിക്കുന്നവർക്കു സഹായം ചെയ്തുകൊടുത്ത ഗവണ്മെൻറു കർഷകരുടെ കാര്യത്തിൽ സൌജന്യം നൽകാത്തതിൻെറ അർത്ഥം മനസ്സിലാകുന്നില്ല.

[Mr. J. John Kattakkayam.]

ഈ ബിൽ എങ്ങിനെ പാസാക്കിയാലും ഗവണ്മെൻറിന് ഈടാകാനുള്ളത്, അതായത് ഭൂനികുതി, ഭൂസ്വത്ത്ജാമ്യബാങ്കിലെ തവണകൾ മുതലായവ ഒരുകാശുപോലും കുറയാതെ ഗവണ്മെൻറിന് കിട്ടണമെന്നാണ് വെച്ചിരിക്കുന്നത്. ഞങ്ങൾക്കുള്ളതു ശരിയായി കിട്ടണം, നിങ്ങൾ തമ്മിലുള്ളത് എങ്ങിനെയെങ്കിലും തീർത്തുകൊള്ളുക എന്നുള്ള ഒരു നയം ഗവണ്മെൻറു ഒരിക്കലും സ്വീകരിക്കാൻ പാടുള്ളതല്ല. മററുള്ളവർക്കുകൂടി ഒരു മാതൃകയായി ഗവണ്മെൻറു ഈ കാര്യത്തിൽ കൈ അയച്ചു കർഷകരെ സഹായിക്കണം. ഗവണ്മെൻറിനുകിട്ടേണ്ട പണത്തിനായി വസ്തുക്കൾ ഒരുചക്രത്തിനുംമററും ലേലത്തിൽ വിററിട്ടുണ്ട്. അതൊക്കെ വിട്ടുകൊടുക്കാൻ റവന്യൂകമ്മിഷണരോടു ഏർപ്പാടു ചെയ്തില്ലെങ്കിൽ അനേകംപേർക്കു കിടക്കാൻ സ്ഥലമില്ലാതായിത്തീരും. ഇങ്ങിനെ ഏതുവിധത്തിൽ നോക്കിയാലും കർഷകർക്കു ഈ ബില്ലുകൊണ്ടു ഫലമൊന്നുമില്ലെങ്കിലും ഈ ബിൽ പാസാകണമെന്നു നിർബന്ധിക്കുന്നത് ഇങ്ങനെ ഒരു നിയമം ഉണ്ടായാൽ മേലാൽ അതിനെ അമൻഡുമെൻറുകൊണ്ടു ശരിപ്പെടുത്തികൊള്ളാമെന്നുള്ള ആശകൊണ്ടാണ്. ഇതേ നിലയിൽ തന്നെ എന്നും ഇരിക്കുന്ന ഒരുബില്ലാണെങ്കിൽ ഇതുകൊണ്ടു ഒരു പ്രയോജനവുമില്ല. ഏതായാലും ഞാൻ ഈ ബില്ലിനെ അനുകൂലിയ്ക്കുതന്നെ ചെയ്യുന്നു. മഹാനായ അവിടുന്നു ഞങ്ങളുടെ ഗവണ്മെൻറിന്റെ ചുക്കാൻപിടിച്ചുകൊണ്ടിരിക്കുന്നതുകൊണ്ടു പൊന്നുതമ്പുരാൻ തിരുമനസ്സിലെ പ്രജകളുടെ വിഷമതകൾക്കു ശരിയായ പരിഹാരം ഉണ്ടാക്കിത്തരുമെന്നുള്ള വിശ്വാസംകൊണ്ടാണ് ഞാൻ ഈ ബില്ലിനെ അനുകൂലിക്കുന്നത്. കുറെമുമ്പു കടക്കാരെ രക്ഷിക്കാൻ ഒരു പ്രാക്ലമേഷനുണ്ടാക്കി. അതുപോലെ മേലും വല്ലതും സഹായം ചെയ്യുമെന്നുതന്നെ വിശ്വസിക്കുന്നു. ശരിയായ ഗതാഗതസൌകര്യംപോലുമില്ലാത്ത ഒരു സ്ഥാനത്തുനിന്നും വരുന്ന എനിക്കു ഉൾനാട്ടുകളിലെ സംഗതികൾ അറിയാവുന്നിടത്തോളം ഈ സഭയിലെ മറെറാരു വ്യക്തിക്കും അറിഞ്ഞുകൂടാ. അവരുടെ കഷ്ടതകൾ കണ്ടിട്ടാണ് ഞാൻ ഈ വിധത്തിൽ പറയുന്നത്. എനിക്ക് ഇതുകൊണ്ട് ഒന്നും വരാനില്ല. കൌൺസിൽമെമ്പർമാരെല്ലാം കടക്കാരാണെന്നു ചിലർ പറയുന്നതിൽ ഒരർത്ഥവുമില്ല. ഇവിടെ തന്നെ മി. ചാലയിൽ പണിക്കർ ഇരിക്കുന്നു. അദ്ദേഹം ഒരു കടക്കാരനാണെന്നു ആരു പറയും?

President : Order, order, I do not think the financial stability of the honourable members of this House need be discussed.

Mr. J. John Kattakayam: ഇങ്ങനെ വാസ്തവത്തിൽ പൊതുജനത്തിനു വേണ്ടിയാണ് ഞങ്ങൾ വാദിക്കുന്നതു്. എനിക്കു ഈ ബില്ലു ഒന്നുംവേണ്ട. എൻെറ സ്വന്തം കാൎയ്യംനോക്കാൻ എനിക്കു പ്രാപ്തിയുണ്ടെന്നു എന്നെ അറിയുന്നവൎക്കെല്ലാം അറിയാം. ഞാൻ ആരെ പ്രതിനിധീകരിക്കുന്നുവോ അവരുടെ അതേ അങ്ങനെയുള്ള അനേകം സഹസ്രങ്ങളുടെ ആവശ്യം മാത്രമാണിതു്. സെൻസസ്റിപ്പോൎട്ടുകൊണ്ടു് കാണുന്നതു് ഈ രാജ്യത്തെബഹുഭൂരിപക്ഷവും കൃഷികരാണെന്നാണു്. അങ്ങനെയുള്ളവരുടെ സന്താനങ്ങളുടെ രക്ഷയെ ഉദ്ദേശിച്ചാകുന്നു ഈ സംഗതിവാദിക്കുന്നതു്. കൃഷികൻെറ രക്ഷയാകുന്നു രാജ്യക്ഷേമം. കൃഷകൻ നശിച്ചാൽ ആൎക്കു ജീവിക്കാം എന്നു അവധാനപൂൎവ്വം ചിന്തിച്ചു അവിടുന്നുതന്നെ ഇതിനൊരു പരിഹാരമുണ്ടാക്കിത്തരണമെന്നു താണുവീണു കേണപേക്ഷിച്ചുകൊണ്ടു് എൻെറ വാക്കുകളെ അവസാനിപ്പിച്ചുകൊള്ളുന്നു.

Mr. Kochikal P. Balakishnan Tampi: Sir, I second the motion of Mr. Kayalam Paramesvaran Pillai.

President: That has already been seconded.

Mr. Kochikal P. Balakrishnan Tampi: I further support it not because that I am in love with this piece of legislation nor that I am overjubilant over it. The fact is that it is a measure of compromise that is quite welcome to the two sections of the people, both the creditors and the debtors. That will be clear from the speeches of the honourable members. Mr. M. N. Paramesvaran Pillai and Mr. Kunjitomman. Mr. M. N. Paramesvaran Pillai representing the creditors was finding fault with it.

Mr. M. N. Paramesvaran Pillai: Sir, a word of personal explanation. I do not represent the creditors. I represent a constituency.

Mr. Kochikal P. Balakrishnan Tampi: The honourable member was saying that it would almost be a moral delinquency if we support the Bill. He was saying that the posterity would curse us. He was speaking with that attitude and he was also threatening us with socialism and expropriation. The test of a piece of legislation is whether it would serve the purpose for which it is intended. On the other hand my friend Mr. Kunjitomman was saying that it does not go far enough and from the speech of my friend who was occasionally breaking into poetry and speaking about the ancient condition of Rome and Greece, it does not also satisfy the agriculturists to the extent he would wish. So from the negative side also that represents the very best of compromise. As such it has to be welcomed. Experience has taught me that it is always better to

[Mr. Kochikal P. Balakrishnan Tampi.]

accept half a loaf than none. Even a provision like this is better than none. Therefore the honourable members of this House would be failing in their duty if they delay the passing of this Bill by sending in many amendments. If there are any mistakes, if there are omissions, it can be remedied later. But before it is too late the Bill has to be passed. The people are anxiously waiting for the passing of the Bill. They know the good points and the bad points. The moderate section of the creditors and the debtors wants the passage of the Bill and that at an early date.

Regarding my friend's appeal to His Gracious Highness and the Dewan for a Proclamation, all that I can say is that the honourable member does not represent the wish of this House.

President: The question before the House is relief to the agriculturists and nothing else.

Mr. Kochikal P. Balakrishnan Tampi: If any deficiency is found, I trust it will be remedied by the legislature. With these words I support the motion of the Law Member

Mr. G. Narayana Aiyar: Sir, I rise to oppose the Bill As it is, it does not satisfy either the debtor or the creditor. The necessity for such a Bill was brought about by the Government communique dated the 9th January 1935. It reads thus :—

> "The Committee will deal with agricultural indebtedness only. They will frame a suitable definition of the expression 'Agricultural indebtedness.' Commercial and other kinds of debts will be excluded from the ambit of the Committee's enquiry."

It was with this view that the committee was asked to draft a Bill. It is clear from the above communique that the object of the Government was only to relieve agricultural indebtedness and not all the debts of an agriculturist. Government have also been justified in limiting it in such a manner because agriculture is the key industry and the basis of all the wealth in the country. Government wanted to relieve only indebtedness due to agriculture, and not due to any and every debt of the agriculturists. The committee as well as the Bill has failed to define agricultural indebtedness consistent with the directions in the communique. Agricultural indebtedness means only indebtedness pertaining to or due to agriculture and not mere indebtedness of the agriculturists.

President: The House will now rise and meet at eleven o'clock to-morrow.

The Council adjourned at 4-30 P. M.

P. PARAMESVARAN PILLAI,
Secretary to the Sri Chitra State Council

PROCEEDINGS
of
THE TRAVANCORE SRI CHITRA STATE COUNCIL.

(*OFFICIAL REPORT.*)

FIRST COUNICL.

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NINTH SESSION— 1936/1112.

Tuesday, the 8th December, 1936/24th Vrischikam, 1112.

The Council met in the Victoria Jubilee Town Hall at Eleven of the Clock, with Sachivothama Sir C. P. Ramaswami Aiyar, K. C. I. E., Dewan-President, in the Chair.

QUESTIONS AND ANSWERS.

Acting hands of the Secretariat exempted from Public Service Rules.

16. ***Mr. E. P. Varghese** (*Nominated*): Will the Government be pleased to state:

(*a*) a caste-war list of acting hands of the Secretariat who are exempted from the operation of the Public Service Commissioner's rules with regard to reappointment; and

(*b*) the reasons for showing them special consideration?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai (*Chief Secretary to Government*): (*a*) None has been exempted.

(*b*) This does not arise in view of the answer to part (*a*).

Mr. E. P. Varghese: May I know whether only persons with three years' acting service can claim as a matter of right reappointment in the Secretariat?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: Persons who have put in more than three years' acting service can be confirmed in the Secretariat as well as in other departments.

Mr. E. P. Varghese: May I know from Government what is the number of years required for acting hands to get reappointment in the Secretariat as a matter of right?

G. P. T. 1856. 350. 17-7-12

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: No such period has been fixed. I may say that Government have asked the Public Service Commissioner to select for appointment in the Secretariat certain acting hands who began to act in the Secretariat from 1108 and who had put in more than one year of acting service. Beyond this no exemption has been granted.

Mr. Komilezhathu Sankaran : (*Nominated*): May I know whether new hands are entertained in the Secretariat when acting hands are kept outside?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: I claim notice, Sir. I have to look into the records.

Indifference of the Public Works Department.

17. * **Mr. J. John Kattakayam** (*Muvattupuzha* cum *Todupuzha*): Will the Government be pleased to state:

(*a*) whether road materials such as gravel, sand and granite are used to be stocked on either side of the road and are allowed to be there for a pretty long time;

(*b*) whether fences have not been put up in places on either side of the roads which are on a higher level than the adjoining places;

(*c*) whether such fences have not decayed and gone in several places;

(*d*) whether such damaged fencings are being restored again;

(*e*) whether there were such fencings on the spot at Kuzhittura where the accident occurred;

(*f*) whether gravel, granite or sand had been heaped up on this part of the road; and

(*g*) whether the accident at Kuzhittura was not due to heaps of granite stocked on the road and to the absence of fencing on either side of the road?

Mr. K. Madhava Kurup (*Ag. Secretary to Government*):

(*a*) Yes, not for a long time; but will be used up every year and re-supplied according to requirements,

(*b*) Yes, wherever found necessary.

(*c*) & (*d*) Yes, but they will be replaced as soon as the decay is noticed.

(*e*) Yes.

(*f*) Yes, outside the trafficable portion of the road.

(*g*) No.

Mr. J. John Kattakayam: വളരെക്കാലത്തേക്ക് ഇങ്ങനെ മെററൽസ് റോഡരുകിൽ സൂക്ഷിക്കാറില്ലെന്നു പറഞ്ഞു. എങ്കിലും ചുരുങ്ങിയതു് എത്ര കാലത്തേക്ക് ഇങ്ങനെ സൂക്ഷിക്കുന്നു എന്നു പറയാമോ?

Mr. K. Madhava Kurup: റോഡ് നന്നാക്കിത്തീരുന്നതുവരെ സൂക്ഷിക്കും.

Mr. J. John Kattakayam: റോഡിന്റെ ഇരുവശങ്ങളിലും മെററൽ, മണൽ മുതലായവ ഇങ്ങനെ സംഭരിച്ചു വച്ചുകൂടാ എന്നു് ഈ അസംബ്ളിയിൽ ഇതിനുമുൻപു പരാതിപ്പെട്ടതിന്റെ ഫലമായി അങ്ങനെ ചെയ്യുകയില്ലെന്നു ചീഫ് ഇൻജിനിയർ സമ്മതിച്ചിട്ടുള്ളതായി മെമ്പർക്കറിയാമോ?

Mr. K. Madhava Kurup: അങ്ങിനെ സമ്മതിക്കുക മാത്രമല്ല; ചീഫ് ഇൻജിനീയർ ഇൻസ്ട്രക്ഷൻ ഇഷ്യു ചെയ്യുകയും ചെയ്തിട്ടുണ്ടു്.

Mr. J. John Kattakayam: അതിൽ പിന്നീടു ഫ ഫ ം ന മുതൽ രാജ്യത്തിന്റെ ഒരററം മുതൽ മറേറ അററംവരെയുള്ള റോഡുകളിൽ ഇങ്ങനെ മെററൽ സൂക്ഷിക്കുന്നതായിട്ടറിയാമോ?

Mr. K. Madhava Kurup: നന്നാക്കേണ്ട എല്ലാ റോഡുകൾക്കും സമീപം കല്ലു വെട്ടി എടുക്കത്തക്കവണ്ണം ഉള്ള സ്ഥലമില്ലാത്തതുകൊണ്ടു റോഡുകളുടെ വശങ്ങളിൽ കല്ലു കൂട്ടിയിടാതെ തരമില്ല.

Mr. J. John Kattakayam: പുറമ്പോക്കു സ്ഥലങ്ങളില്ലേ?

Mr. K. Madhava Kurup: പുറമ്പോക്കുള്ള സ്ഥലങ്ങളിൽ പുറമ്പോക്കിൽ തന്നെയാണു സൂക്ഷിക്കുന്നതു്. അതില്ലാത്ത സ്ഥലങ്ങളിൽ റോഡരുകിൽ തന്നെയിടാതെ നിവൃത്തിയില്ല.

Mr. J. John Kattakayam: എവിടെയെങ്കിലും പുറമ്പോക്കില്ലാത്ത സ്ഥലങ്ങളുണ്ടോ?

Mr. K. Madhava Kurup. റോഡുതന്നെ പുറമ്പോക്കാണു്.

Mr. J. John Kattakayam: റോഡുകളിൽ ചരലും മണലും സൂക്ഷിച്ചിരിക്കുന്ന സ്ഥലം നീക്കിയാൽ പിന്നീടു വണ്ടി പോകുന്നതിനു പരിമിതമായ സ്ഥലമല്ലേയുള്ളു?

Mr. K. Madhava Kurup: വണ്ടി പോകുന്നതിനാവശ്യമുള്ള സ്ഥലം ഒഴിച്ചു ബാക്കി സ്ഥലങ്ങളിലാണു കല്ലു സൂക്ഷിക്കാറുള്ളതു്.

Mr. J. John Kattakayam: റോഡുവെട്ടിയിരിക്കുന്നതു വണ്ടി പോകേണ്ട ആവശ്യത്തിനാണു്. ആ സ്ഥിതിക്കു പുറമ്പോക്കുള്ള സ്ഥലങ്ങളിൽ കല്ലു കൂട്ടാൻ ഏർപ്പാടു ചെയ്യുമോ?

Mr. K. Madhava Kurup: ചെയ്യാം.

Mr. J John Kattakayam: റോഡിൽ ചില സ്ഥലങ്ങളിൽ കലുങ്കുകൾ കെട്ടാറുണ്ട്. അങ്ങിനെ കലുങ്കുകളില്ലാത്ത സ്ഥലങ്ങൾ ധാരാളമുണ്ടെന്നു മെമ്പർക്കറിയാമോ?

Mr. K. Madhava Kurup: അങ്ങിനെയുള്ളവ പി. ഡബ്ലിയു. ഡിപ്പാർട്ടുമെൻറിൻെറ അറിവിൽപെട്ടു കഴിഞ്ഞാൽ അവിടെവേലികളോ മറേറാ തൽക്കാലം കെട്ടാറുണ്ട്.

Mr. J. John Kattakayam: അങ്ങിനെയുള്ള സ്ഥലങ്ങളെ സംബന്ധിച്ച് അതാതു ദിക്കുകളിലെ മെമ്പർമാർതന്നെ പരാതി പറഞ്ഞിട്ട് അവ അതേ നിലയിൽ കിടക്കുന്നതെയുള്ളു എന്നു മെമ്പർക്കറിയാമോ?

Mr. K. Madhava Kurup: അങ്ങിനെയും വരാം.

Mr. J. John Kattakayam: കഴിഞ്ഞ മോട്ടാർ അപകടം സംഭവിച്ച സ്ഥലത്തു റോഡിൻെറ ഇരുവശങ്ങളിലും മെററൽ സംഭരിച്ചിട്ടിരുന്നു എന്നു മെമ്പർക്കറിയാമോ?

Mr. K. Madhava Kurup: സംഭരിച്ചിരുന്നു. പക്ഷെ അവിടെ റോഡിന് ൨൦ അടി വീതിയുണ്ട്. അതിൽ വണ്ടി പോകുന്നതിനു ൧൪ അടി സ്ഥലം നീക്കി ബാക്കി ൬ അടി സ്ഥലത്താണു മെററൽ സംഭരിച്ചിരുന്നത്. ഇതിനു പുറമേ റോഡിൽ കല്ലു കൂട്ടിയിരുന്നതുകൊണ്ടല്ലാ ഇങ്ങനെ അപകടം ഉണ്ടായതും.

Mr. J. John Kattakayam: റോഡിൽ കല്ലു കൂട്ടിയിട്ടിരുന്നാൽ അപകടം ഉണ്ടാകയില്ലേ?

Mr. K. Madhava Kurup: അതുകൊണ്ടു ഉണ്ടാകണമെന്നില്ല.

Mr. J. John Kattakayam: റോഡിൻെറ വശങ്ങളിൽ കല്ലു കൂട്ടിയിട്ടിരുന്നാൽ അതിൻെറ പുറത്തു വണ്ടി കയറി ചക്രം ചെളിയിലും മററും പുതഞ്ഞു അപകടമുണ്ടാകയില്ലെന്നാണോ മെമ്പറുടെ അഭിപ്രായം?

President: This is a natural phenomenon which does not require questions and answers.

Mr. J. John Kattakayam: കഴിഞ്ഞ മോട്ടാർ അപകടം പററിയ സ്ഥലം കൈവരിയുള്ള സ്ഥലമാണോ?

Mr. K. Madhava Kurup: അതു കൈവരിയില്ലാത്ത സ്ഥലമാണ്.

Loss on account of importing foreigners to the State Service.

18. ***Mr. J. John Kattakayam**: Will the Government be pleased to state :

(*a*) the amount that goes annually to other Governments by way of pensions, etc , in addition to the high salaries paid to the foreigners as a result of their being imported into this State from British service ; and

(*b*) whether they will lay on the table a detailed statement showing the amount that is being spent by them each year for the last twelve years on account of this as also the amount spent as T. A. for such officers?

Rao Bahadur A. Rengasvami Aiyar (*Financial Secretary to Government*) : (*a*) About Rs. 5,747.

(*b*) The time and labour involved in preparing the statement required are so incommensurate with its utility that Government consider that it is not in public interests to compile the statement.

Mr. M. N. Paramesvaran Pillai (*Municipal Councils*) : May I know the amount of pensions and leave contribution ?

Rao Bahadur A. Rengasvami Aiyar : Pensions and leave contributions and also deferred pay are included in the amount given in the answer.

Mr. M. N. Paramesvaran Pillai : May I know how many officers get these contributions ?

Rao Bahadur A. Rengasvami Aiyar : There is only one class of officers. There is a school opened to train military personnel, and the training staff for this purpose is obtained from the Government of India.

Loans received by Government officers from the State Aided Bank.

19. ***Mr. M. N. Paramesvaran Pillai** : Will the Government be pleased to furnish information on the following points :

(*a*) the names of Government officers who have taken loans from the State Aided Bank ;

(*b*) the amount of loan taken by each officer and the date of the issue of each of such loans ; and

(*c*) the amount outstanding against each on the last day of Karkatakam 1111 ?

Rao Bahadur A. Rengasvami Aiyar : (*a*), (*b*) and (*c*). The Bank is not run by the Government. They have, therefore, no information in the matter.

Mr. M. N. Paramesvaran Pillai : May I know whether property statements are regularly and periodically submitted by officers and, if so, whether it is not possible for Government to assess their liabilities ?

* **Rao Bhadur A. Rengasvami Aiyar**: Government servants are not required to furnish information with regard to their liabilities.

Malpractices in Anchal Offices.

20. ***Mr. J. John Kattakayam**: Will the Government be pleased to state:

(*a*) whether letter boxes kept in any of the Anchal Offices are locked even though they are provided with locks;

(*b*) whether the Anchal Superintendent insists on this during his inspection;

(*c*) whether the subordinates of the Anchal Offices are at times used to make money by marking some articles as bearing after removing the stamps on them and by destroying some others; and

(*d*) whether used stamps are at times being affixed and sealed in the place of stamps that are removed?

Mr. K. Madhava Kurup: (*a*) Yes.

(*b*) Yes.

(*c*) No.

(*d*) Only one such case has been noticed.

Mr. J. John Kattakayam: ഞാൻ സാധാരണ പല അഞ്ചലാഫീസുകളിലും ചെന്നു നോക്കിയിട്ടുണ്ട്. അവിടെയെങ്ങും പെട്ടി പൂട്ടിയിടുന്നതായി കണ്ടിട്ടില്ല. പെട്ടി പൂട്ടിത്തന്നെ വരുന്നുണ്ടോ എന്നു മെമ്പർ നോക്കിയിട്ടുണ്ടോ?

Mr K. Madhava Kurup: ഞാൻ അഞ്ചലാഫീസിൽപോയി പെട്ടി പൂട്ടിയിട്ടുണ്ടോ എന്നു നോക്കിയിട്ടില്ല. മെമ്പർ അഞ്ചലാഫീസുകളിൽ കയറി നോക്കിയതു് എങ്ങനെയെന്നു മനസ്സിലാകുന്നില്ല. ഇൻസ്പെക്ടരും സൂപ്രണ്ടും സാധാരണ പരിശോധിക്കുമ്പോൾ പെട്ടി പൂട്ടുന്നുണ്ടോ എന്നു നോക്കുന്നുണ്ട്.

Mr. J. John Kattakayam: പെട്ടിക്കു പൂട്ടും താക്കോലും വച്ചിരിക്കുന്നതു് അതു പൂട്ടണമെന്നുള്ള ഉദ്ദേശത്തോടുകൂടിയല്ലേ?

Mr. K. Madhava Kurup: അതിനെ സംബന്ധിച്ചു ഇൻസ്പെക്ടർമാർ പ്രത്യേകം നോക്കണമെന്നു റൂൾ ഉണ്ട്. ഇൻസ്പെക്ടർമാരുടെ പരിശോധനഫാറത്തിൽ ആദ്യത്തെ ചോദ്യങ്ങളിൽ ഒന്നു് പെട്ടി പൂട്ടുന്നതിനെപ്പററിയാണ്.

Mr. J. John Kattakayam: ഇൻസ്പെക്ടർമാർ അങ്ങിനെ ചെയ്യുന്നുണ്ടെന്നാണോ മെമ്പർ പറയുന്നതു്?

Mr. K. Madhava Kurup: റൂൾപ്രകാരം നടക്കുന്നുണ്ടായിരിക്കണം.

Mr. J. John Kattakayam: റദ്ദുചെയ്ത സ്റ്റാമ്പ് ഉപയോഗിച്ചതായി ഒരു കേസു കണ്ടുപിടിച്ചു എന്നു പറഞ്ഞു. അതു് ആരു എങ്ങിനെ കണ്ടുപിടിച്ചു എന്നു പറയാമോ?

Mr. K. Madhava Kurup: കാട്ടാക്കട അഞ്ചലാഫീസിൽ ഉപയോഗിച്ച ൧൨ കാശിന്റെ സ്റ്റാമ്പു ഒരു എഴുത്തിൽ പതിച്ചിരുന്നു. അതു കണ്ടുപിടിക്കയും ഉടനെ പോലീസ് കമീഷണർക്കയച്ചു നടപടി നടത്തുന്നതിനു അയക്കുകയുംചെയ്തു.

Ganja cultivation.

21. *** Mr. J. John Kattakayam**: Will the Government be pleased to state:

(*a*) the total quantity of ganja used per annum in the State;

(*b*) the amount that is now being spent for it;

(*c*) whether ganja plant grows abundantly in our country;

(*d*) whether ganja plants growing in hilly tracts are being destroyed by Government; and

(*e*) the amount that is being expended annually for destroying the same? -

Mr. C. O. Madhavan (*Excise Commissioner*): (*a*) The average annual consumption of ganja for the last 5 years is 4685 seers.

(*b*) Bh. Rs. 3-anna 1 per seer.

(*c*) It would grow spontaneously in some of the hilly tracts.

(*d*) Yes.

(*e*) No expenditure is incurred separately and exclusively for the destruction of ganja.

Mr. J. John Kattakayam: ഗഞ്ചാകൃഷി നശിപ്പിച്ചുകളയുന്നതിനു പ്രത്യേകം ചിലവൊന്നുമില്ലെന്നു പറഞ്ഞു. എന്നാൽ ഏതെങ്കിലും വിധത്തിലുള്ള ചിലവ് ഇതുകൊണ്ട് ഉണ്ടാകുന്നുണ്ടോ?

Mr. C. O. Madhavan: ഉള്ള ആളുകളിൽനിന്ന് ഈവജോലിക്കു അപ്പോഴപ്പോൾ ചിലരെ അയക്കാറുണ്ട്. അതിലേക്കു പ്രത്യേകചിലവൊന്നുമില്ല.

Audit of accounts of the State Aided Bank.

22. ***Mr. M. N. Paramesvaran Pillai**: Will the Government be pleased to state:

(*a*) whether the accounts of the State Aided Bank have been audited by any certified auditors during 1109, 1110 and 1111, and, if so, when and by whom;

[Mr. M. N. Paramesvaran Pillai.]

(b) whether the auditors have submitted their reports;

(c) whether the reports contain any remarks about the working and financial position of the Bank; and

(d) whether the Government have taken any action on these reports?

Rao Bahadur A. Rengasvami Aiyar: (a) Yes. Besides the audit conducted by the auditors appointed by the Bank, the accounts were audited by Messrs. Batliboi and Purohit in August 1934 (1110) and by Messrs. B. T. Thakur and Sohanlal Kothari in April 1936 (1111).

(b) The reports by the auditors appointed by the Bank are reports to the Board of Directors of the Bank. The other auditors have submitted their reports to Government.

(c) Yes.

(d) Yes.

Mr. M. N. Paramesvaran Pillai: With reference to the answer to part (b), may I know, Sir, the special reason which induced Government to have a special audit conducted by Messrs. Batliboi and Purohit and Messrs. B. T. Thakur and Sohanlal Kothari?

Rao Bahadur A. Rengasvami Aiyar: We got bad reports about the condition of the Bank.

Mr. M. N. Paramesvaran Pillai: May I know whether they have reported anything about the financial stability of the Bank?

Rao Bahadur A. Rengasvami Aiyar: Yes.

Mr. M. N. Paramesvaran Pillai: May I know what it is?

Rao Bahadur A. Rengasvami Aiyar: I cannot say what it is, because it is confidential.

Mr. M. N. Paramesvaran Pillai: Why is it kept confidential?

Rao Bahadur A. Rengasvami Aiyar: It is intended for the shareholders only.

Mr. M. N. Paramesvaran Pillai: May I know whether the members on this side of the House are not entitled to know it in the interests of the public?

President: Order, order. Evidently the answer was given in the belief that to make certain matters public might rouse needless panic and might jeopardise the efforts of those who are trying to put the affairs of this Bank in order.

Mr. M. N. Paramesvaran Pillai: With reference to part (*b*) of the answer, may I know what action the Government have taken?

Rao Bahadur A. Rengasvami Aiyar: Copy of the report has been forwarded to the Board of Directors.

Mr. M. N. Paramesvaran Pillai: Did Government get any reply from the Board of Directors?

Rao Bahadur A. Rengasvami Aiyar: No.

Vending of stamp paper.

23. ***Mr. J. John Kattakayam:** Will the Government be pleased to atate:

(*a*) whether it is an offence if stamp papers, though the sale thereof is vested in the vendors, are bought of persons other than vendors:

(*b*) the object of the endorsement on the stamp paper;

(*c*) whether vendors of stamp papers at times keep back stamp papers for their convenience and at the same time account for them;

(*d*) the necessity for the endorsement when any stamp paper, though bought by or for any body, may be used by any person at will; and

(*e*) whether the law enjoins that the stamp paper can be old only to a certain extent?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: (*a*) It does not appear to be an offence.

(*b*) & (*d*) It helps to trace the source from which the stamp paper was obtained, so that the making and sale of counterfeit stamps may be avoided. It also enables the refunding authority to verify the date of sale, etc., in cases of applications for refund of the misused or spoilt stamp papers.

(*c*) Government are not aware.

(*e*) The answer is in the negative.

Market at Muttam.

24. ***Mr. J. John Kattakayam:** Will the Government be pleased to state:

(*a*) whether land was acquired, after the preliminary proceedings extending to two or three years, for opening a new market at the 5th mile on the Todupuzha-Arakulam road in the Karikode pakuthi, Todupuzha taluk, and whether the *sannad* therefor given after the market was auctioned and whether the local inhabitants have built many buildings including two-storied ones and are carrying on trade expecting that the market would be opened immediately;

[Mr. J. John Kattakayam.]

(*b*) whether there was any correspondence for the removal of that market from there to another site;

(*c*) whether the new site is not hilly with thick tree growths and whether for removing them and levelling the ground a large expenditure will not be incurred;

(*d*) whether the site acquired by Government for the market is not a good maidan with no tree-growth;

(*e*) whether the new site is closer to the temple from where one could see everything that takes place in the market, while the old site acquired for the market could not be seen from the temple: and

(*f*) whether final orders have been passed by the Government in the matter of opening a market at this place vetoing the objection raised by the Land Revenue Commissioner?

Mr. K. George (*Land Revenue and Income-Tax Commissioner*): (*a*) An extent of 50 cents of land from S. No. 297/9 of the Karicode pakuthi, Todupuzha taluk, was acquired by Government for opening a public market at the place, the preliminary proceedings of which covered a period of about two years. The right to collect fees from the market was auctioned but the auction was not confirmed and the bidder was not allowed to conduct the market owing to objections received from the public. It is reported that some buildings were erected at the locality.

(*b*) Yes.

(*c*) The new site is on a higher level. The approximate cost of levelling it is reported to be about Rs. 100.

(*d*) Yes.

(*e*) The distance to the temple from the present site is about 4½ chains while that from the new site is about 3⅓ chains.

(*f*) No.

Mr. J. John Kattakayam: മുട്ടം ചന്തയ്ക്കു ൫൦ സെന്റു സ്ഥലം എടുത്തു എന്നും, ചന്തലേലം സ്ഥിരപ്പെടുത്തിയില്ലെന്നും പറയുന്നു. പൊതുജനങ്ങളിൽനിന്നും ഇതിലേക്കു ധാരാളം എതിരപേക്ഷകൾ ഉണ്ടായിട്ടുണ്ടോ?

Mr. K. George: രണ്ടുമൂന്നപേക്ഷകൾ കിട്ടിയിട്ടുണ്ടു്.

Mr. J. John Kattakayam: അവിടെ ചന്ത വേണമെന്നു കാണിക്കുന്ന ധാരാളം അപേക്ഷകളും കിട്ടിയിട്ടുണ്ടോ?

Mr. K. George: അങ്ങിനെയുള്ള അപേക്ഷകളും ഉണ്ട്. പക്ഷെ ധാരാളമുണ്ടോ എന്നറിഞ്ഞുകൂട.

Mr. J. John Kattakayam: ഈ സ്ഥലം മെമ്പർ നോക്കിയിട്ടുണ്ടോ?

Mr. K. George: അതു കഴിഞ്ഞ കൌൺസിലിൽ പറഞ്ഞതുപോലെ ആ സ്ഥലം മെമ്പർ നോക്കിയിട്ടുള്ളതാണ്.

Mr. J. John Kattakayam: അവിടെയുള്ള കെട്ടിടങ്ങൾ മെമ്പർ കണ്ടിട്ടുണ്ടോ?

Mr. K. George: ഉണ്ട്.

Mr. J. John Kattakayam: ഈ ചന്തയുടെ ആവശ്യത്തിനു നൂതനമായി കെട്ടിടങ്ങൾ പണിയിച്ചിട്ടുള്ളതായി മെമ്പർക്കറിയാമോ?

Mr. K. George: കെട്ടിടങ്ങൾ നൂതനമായി സ്ഥാപിച്ചതാണോ എന്ന് അറിഞ്ഞുകൂട. അവിടെ കുറെ കെട്ടിടങ്ങളുണ്ട്. ആ കെട്ടിടങ്ങളിൽനിന്നും ചന്ത സ്ഥാപിക്കുന്നതിനാലോചിച്ചിരിക്കുന്ന രണ്ടു സ്ഥലങ്ങളിലേക്കുമുള്ള ദൂരം തുല്യമാണ്.

Mr. J. John Kattakayam: ഈ സ്ഥലം ഒരു കാട്ടുപ്രദേശത്തിന്റെ ഉൾഭാഗത്താണു സ്ഥിതിചെയ്യുന്നതെന്നു മെമ്പർക്കറിയാമോ?

Mr. K. George: അങ്ങിനെയല്ല.

Mr. J. John Kattakayam: ഇപ്പോൾ മാററിസ്ഥാപിക്കുവാൻപോകുന്ന സ്ഥലമാണു ചന്തയ്ക്കു നല്ലതെന്നു മെമ്പർ എപ്പോഴെങ്കിലും ഗവൺമെൻറിലേക്കു എഴുതിഅയച്ചിട്ടുണ്ടോ?

Mr. K. George: മെമ്പർ ഗവൺമെൻറിലേയ്ക്കു എഴുതുന്ന എഴുത്തുകുത്തുകൾ പബ്ളിക്കായിട്ടു പറയുവാൻ പാടില്ല.

Mr. J. John Kattakayam: ഈ ചന്ത മാററാനായി എഴുത്തുകുത്തു നടത്തുന്നതിനു വല്ല പ്രത്യേകകാരണവുമുണ്ടോ?

Mr. K. George: ഗവൺമെൻറിലേക്ക് ഒന്നുരണ്ടു പെററിഷൻ വന്നു. അതിനെപ്പററി തഹശീൽദാരുടെയും പേഷ്കാരുടേയും റിപ്പോർട്ടുകൾ വരുത്തി റവന്യൂകമ്മീഷണർ ഗവൺമെൻറിലേക്ക് എഴുതി.

Mr. J. John Kattakayam: പുതുതായി എടുക്കണമെന്നു വിചാരിക്കുന്ന സ്ഥലം എത്ര അടി പൊക്കത്തിലാണു സ്ഥിതിചെയ്യുന്നതു?

Mr. K. George: വഴിയിൽനിന്ന് അഞ്ചാറടി പൊക്കം കാണും.

Mr. J. John Kattakayam : അതു ലെവലാക്കുന്നതിനു എന്തു വ്യയം വേണ്ടിവരും?

Mr. K. George: ൫൦൦ രൂപായോളം വേണ്ടിവരുമെന്നു ഉത്തരത്തിൽതന്നെ പറഞ്ഞിട്ടുണ്ടു്.

Mr. J. John Kattakayam : മെമ്പരുടെ ദൃഷ്ടിയിൽ എത്ര രൂപ അതിലേക്കു വേണ്ടിവരുമെന്നാണു കാണുന്നതു്?

Mr. K. George: അതു ധാരാളംമതി.

Mr. J. John Kattakayam : ൫൦൦ അല്ല ൬൦൦ രൂപ കൊണ്ടുപോലും അതു ശരിപ്പെടുത്താൻ സാധ്യമല്ലെന്നു എനിക്കനുഭവമുള്ളപ്പോൾ കമ്മീഷണർ ഇങ്ങനെ പറയുന്നതിൽ ഞാൻ വ്യസനിക്കുന്നു.

President : The honourable member will make his remarks standing.

Mr. J. John Kattakayam : ഈ സ്ഥലം വൃക്ഷങ്ങൾ ധാരാളമുള്ള സ്ഥലമാണെന്നു മെമ്പർക്കറിയാമോ?

Mr. K. George: മാർക്കറ്റിനു തണൽ ആവശ്യമായ ഇലകൾക്കു വൃക്ഷങ്ങളുള്ളതു നല്ലതാണു്.

Mr. J. John Kattakayam: ഈ വൃക്ഷങ്ങളെല്ലാം വെട്ടിമാററാൻ എന്തു ചിലവുവരും?

Mr. K. George: അധികം വൃക്ഷങ്ങളും വെട്ടിമാറേണ്ടതായി വരികയില്ല.

Mr. J. John Kattakayam : നൂതനമായി എടുക്കാൻ നിശ്ചയിച്ചിരിക്കുന്ന സ്ഥലം ഒരു ക്ഷേത്രത്തിനു സമീപമുള്ളതാണോ?

Mr. K. George: മുൻപു് എടുത്ത സ്ഥലവും ക്ഷേത്രത്തിനു് അടുത്തുള്ളതാണു്.

Mr. J. John Kattakayam : മുൻപു് എടുത്ത സ്ഥലത്തുനിന്നും ക്ഷേത്രത്തിലേക്കു നാലര ചങ്ങലയും ഇപ്പോൾ എടുക്കാൻ ഉദ്ദേശിക്കുന്ന സ്ഥലത്തുനിന്നും മൂന്നര ചങ്ങലയും ദൂരമുണ്ടെന്നു മെമ്പർക്കറിയാമോ?

Mr. K. George: അറിയാം.

President: Opinions of members, however valuable, are not appropriate in question time.

Mr. J. John Kattakayam : മൂന്നേമുക്കാൽ ചങ്ങല ദൂരമുള്ള സ്ഥലം നാലരചങ്ങല ദൂരമുള്ളതിനെക്കാൾ കുറേക്കൂടി അടുത്തല്ലേ?

Mr. K. George: ഈ ക്ഷേത്രത്തിന്റെ ഉടമസ്ഥനായ നമ്പൂതിരിതന്നെയാണ് ഈ നൂതനസ്ഥലം തന്നിരിക്കുന്നത്.

Mr. J. John Kattakayam: പഴയ സ്ഥലത്തെ സംബന്ധിച്ച് ക്ഷേത്രസാമീപ്യമുണ്ടെന്ന വല്ല പരാതിയും ഉണ്ടായിട്ടുണ്ടോ?

Mr. K. George: അപ്പോൾ പരാതിയുണ്ടാക്കി എന്നേയുള്ളൂ. ഇപ്പോൾ ക്ഷേത്രസാമീപ്യം ഒരു പരാതിയല്ല.

Mr. J. John Kattakayam: ഇപ്പോൾ മാർക്കറ്റിന് എടുത്തിരിക്കുന്ന സ്ഥലത്തുനിന്നു നോക്കിയാൽ ക്ഷേത്രം കാണാമോ?

Mr. K. George: കാണാം എന്നാണു തോന്നുന്നത്.

Mr. J. John Kattakayam: ഗവണ്മെന്റ് ഇതിനുമുമ്പ് അവസാനഉത്തരവു പാസ്സാക്കിയില്ലെന്നു പറഞ്ഞു. അത് ഇപ്പോഴത്തെ ഗവണ്മെന്റോ മുമ്പിലത്തെ ഗവണ്മെന്റോ?

Mr. K. George: ഇപ്പോഴത്തെയും മുമ്പിലത്തെയും ഗവണ്മെന്റെല്ലാം ഒന്നുതന്നെ; വ്യത്യാസമൊന്നുമില്ല.

Mr. J. John Kattakayam: ഇതിനുമുമ്പു ഫൈനലായിട്ട് ഇതിനെ സംബന്ധിച്ചു ഒരോർഡർ ഉണ്ടായിട്ടുണ്ടോ?

Mr. K. George: ഉണ്ട്.

Mr. J. John Kattakayam: ഇതിനെ സംബന്ധിച്ചു ഫയിനൽ ആർഡർ ഉണ്ടായില്ലെന്നു പ്രസ്താവിക്കുവാനുള്ള കാരണമെന്താണ്?

Mr. K. George. പരാതിയെ സംബന്ധിച്ചു ഫയിനൽ ആർഡർ ഇതുവരെ ഉണ്ടായിട്ടില്ല.

Public wells in Perumpavur town.

25. ***Mr. G. Narayana Aiyar** (*Kunnatnad cum Parur*): Will the Government be pleased to state:

(*a*) the population of the Perumpavur town:

(*b*) the number of public wells in the town dug up and maintained by the Government;

(*c*) who is the custodian of those wells;

(*d*) what was the cost incurred in digging those wells; and

(*e*) whether it is a fact that there will be no water in those wells from the middle of Makaram to the end of Edavam?

Mr. K. Paramesvara Panickar (*Ag. Secretary to Government*): (*a*) 5863 as per the census of 1931.

(*b*) Three.

[Mr. K Paramesvara Panickar.]

(*c*) The Public Health Department.

(*d*) Two of them were dug in 1107 at a cost of Rs. 514-10-13. It is not known when and at what cost the remaining one was sunk.

(*e*) They dry up in the hot season.

Mr. G. Narayana Aiyar: May I know, in answer to part (*b*), where the three wells are located?

Mr. K. Paramesvara Panickar: One of them is located near the vegetable market, another near the Munsiff's Court and the third near the Pakuthi Cutcherry.

Mr. G. Narayana Aiyar: May I know whether private wells also dry up during the hot season?

Mr. K. Paramesvara Panickar: Yes, they get dried up during the hot season

Mr. G. Narayana Aiyar: May I know the number of public offices in that particular town?

Mr. K. Paramesvara Panickar: It is not possible to give an offhand reply. There are some public offices.

Mr. G. Narayana Aiyar: May I know whether the departmental heads have to station there during inspection time?

Mr. K. Paramesvara Panickar: Yes, naturally.

Mr. G. Narayana Aiyar: May I know whether there is any well in the campshed?

Mr. K. Paramesvara Panickar: I beg your pardon, Sir.

President: If the honourable member has not heard the question, he may ask him to repeat it.

Mr. G. Narayana Aiyar: With reference to the answer given that they dry up in the hot season, may I know where the public officers who halt in the campshed will go to get water?

Mr. K. Paramesvara Panickar: There is a very good well in the fish market.

Mr. G. Narayana Aiyar: Has the honourable member at any time visited the well in the fish market?

Mr. K. Paramesvara Panickar: I had not the privilege to do that till now.

Mr. G. Narayana Aiyar: On what foundation did the honourable member then give the reply that there will be water in the well in the fish market during the hot season?

Mr. K. Paramesvara Panickar: Government have this information.

Mr. M. N. Paramesvaran Pillai: May I know whether there is any proposal to deepen these wells?

Mr. K. Paramesvara Panickar: Yes, there is a proposal to deepen them by 7 or 8 feet and that is engaging the attention of the Public Health Department.

Mr. S. Piraviperumal Pillai (*Commerce and Industry, South*): With reference to the answer to part (*b*), may I know by whom the third well was sunk?

Mr. K. Paramesvara Panickar: From the records it has not been possible to find when the well was sunk.

Mr. S. Piraviperumal Pillai: In answer to part (*e*), may I know in terms of days, weeks or months the period of the hot season?

Mr. K Paramesvara Panickar: That is well known; probably from Kumbham to Medam.

Mr. Komilezhathu Sankaran: May I know from the Government whether all persons without reference to caste or creed are allowed to make use of the well?

Mr. K. Paramesvara Panickar: Certainly.

Leave allowances.

26. ***Mr. J. John Kattakayam**: Will the Government be pleased to state the reason for not including leave allowances in the Budget?

Rao Bahadur A. Rengaswami Aiyar: The reason for not providing funds for leave allowances in the Budget is explained on page 10, para 6, of the Report of the Public Accounts Committee on the Audit and Appropriation Accounts of 1109.

It has however been decided by the Public Accounts Committee that met on the 17th June 1936 that the present system might continue, since under the proposed arrangement, the provision for leave allowances was likely to be overestimated and reappropriated to other items within the grant in order to avoid supplementary demands. Further, the present system is more economical than the practice in British India of including provision for leave salary in the cadre itself. Government have accepted the above decision.

(*Vide* page 6, para 7, of the Report of the Public Accounts Committee on the Audit and Appropriation Accounts of 1110).

Inspection of a site in the Karikode pakuthi.

27. ***Mr. J. John Kattakayam**: Will the Government be pleased to state:

(*a*) how long it is since it was decided that survey number 773 of the Karikode pakuthi in the Todupuzha taluk should be inspected by the Division Peishkar;

(*b*) how many Peishkars were in charge of the Division since this decision;

(*c*) the name of the Peishkar who noted in the case that the site should be inspected;

(*d*) the reasons for this long delay in inspecting this site; and

(*e*) how many more such cases there are?

Mr. K. George : (*a*) About 3¼ years.

(*b*) 7.

(*c*) No Division Peishkar has noted in the case that the site should be inspected.

(*d*) The inaccessibility of the place coupled with unfavourable weather conditions or want of time during camps fixed.

(*e*) One.

Punja loans of 1111.

28. ***Mr. K. Padmanabha Panickar** (*Ampalapuzha*): Will the Government be pleased to state the amount of *punja* loan that has been distributed in the year 1111 and the amount collected out of the loan up to the end of Kanni 1112?

Mr. K. George:

Total amount of Special Punja loan distributed in 1111.			*Amount collected up to the end of Kanni 1112.*		
Rs.	Ch.	C.	Rs.	Ch.	C.
49,777	11	0	30,048	5	5

Irregularities in the Kovalam Salt Factory.

29. ***Mr. J. John Kattakayam** : Will the Government be pleased to state :

(*a*) whether the licencees of the Kovalam Salt Factory have complained in regard to the vagaries there;

(*b*) whether the Inspector has been reduced on that account; and

(*c*) the vagaries complained of?

Mr. C. O. Madhavan ; (*a*) No.

(*b*) and (*c*) These do not arise in view of the answer to part (*a*).

Muvattupuzha Hospital.

30. ***Mr. J. John Kattakayam**: Will the Government be pleased to state :

(*a*) whether there were days on which no doctor was present in the Muvattupuzha Hospital in spite of the fact that there are two doctors including an assistant attached to the hospital;

(*b*) if the answer to part (*a*) is in the affirmative, the number of such days;

(*c*) the reason for the same; and

(*d*) who was in charge of the hospital on those days and how the charge was assigned to him?

Mr. James Simpson (*Darbar Physician*) : (*a*) Yes; there was one occasion.

(*b*) Only one day.

(*c*) The Medical Officer was on court duty and there was no assistant attached to the institution then.

(*d*) In view of the answer to part (*c*) this question does not arise.

Mr. J. John Kattakayam: മൂവാററുപുഴ ആശുപത്രിയിൽ ഒരസിസ്റ്റൻറുള്ളതായി മെമ്പർക്കറിയാമോ ?

Mr. James Simpson: There is normally an assistant.

Mr. J. John Kattakayam: അസിസ്റ്റൻറുള്ളപ്പോഴം അവിടെ ദീനചികിൽസക്കാരുമില്ലെന്ന പരാതി ഉണ്ടാകുവാൻ കാരണമെന്താണ് ?

Mr. James Simpson: During that time a transfer arrangement of assistants was going on. Before the new assistant reported himself for duty, the assistant in the hospital left the place.

Mr. J. John Kattakayam: ആശുപത്രികളിൽ രോഗികളെ ചികിൽസിക്കുന്നതിനല്ലേ ഇവരെ വച്ചിട്ടുള്ളത് ?

Mr. James Simpson: Yes.

Mr. J. John Kattakayam: രോഗികളുടെ സംഗതിയിൽ അവധിവയ്ക്കുന്നതു ശരിയാണോ ?

Mr. James Simpson: On the 20th Medam 1111, the Medical Officer in charge had to go on court duty. He assured himself that the in-patients would be adequately attended to for the day by the nurses and warders. He gave instructions to the compounder to repeat old prescriptions and then proceeded to court duty.

Mr. J. John Kattakayam: മേലാലെങ്കിലും ഇങ്ങനെയുള്ള വിഷമതകളുണ്ടാകാതിരിക്കാൻ ഡിപ്പാർട്ടുമെൻറു മേധാവി ദൃഷ്ടിവയ്ക്കുമോ?

Mr. James Simpson: In hospitals the occurrence is very rare; in dispensaries it is unavoidable.

Mr. M. N. Paramesvaran Pillai: May I know whether there was any in-patient in that hospital at that time?

Mr. James Simpson: Yes.

Mr. M. N. Paramesvaran Pillai: Then who attended on them?

Mr. James Simpson: The doctor had assured himself that they would be adequately looked after by the nurses for the short time that he is away.

Mr. P. Padmanabhan Tampi (*Kalkulam cum Vilavankod*): Sir, on a point of order. We find only 14 questions answered. But we have one full hour for question time. This matter was brought before the House in the last Session. Now also we find that a sufficient number of questions is not answered although there is much time and more questions sent.

President : Yes. The matter will be borne in mind.

The House will now resume consideration of the Travancore Agriculturists' Relief Bill.

LEGISLATIVE BUSINESS.

THE TRAVANCORE AGRICULTURISTS RELIEF BILL.

Mr. G. Narayana Aiyar : Sir, I find a number of my friends requiring time to speak on the important subject that is before us. The amount of time allotted is comparatively small. I would like to be advised whether it is possible to allot more time for the discussion of this important subject, at least in another session held during summer.

President : I have heard from more than one quarter the desire of members of this honourable House to discuss this Travancore Agriculturists' Relief Bill thoroughly. I understand many honourable members wish to take part in the discussion. It is far from my intention to restrict discussion on an important matter of this kind. But there are some reasons why this particular session cannot be prolonged very much. In fact, I am going to mention to this honourable House that in all probability it will conduce to convenience if to-morrow the House will take into consideration the Travancore Rubber Control Bill, the Ancient Monuments Bill and the Trade Unions Bill, which will not take up much time, and get those Bills out of the way. Then I have absolutely no objection to give full time for discussion and after seeing how far this House has gone, the question of extension or any other opportunity for further discussion may be considered. It will all depend upon the progress gained. I may also mention that at the end of January or so there may be another session. If the matter is not finished now it will lie over. After as much discussion as is possible to-day has taken place, to-morrow morning, those three Bills will be taken and then the House can take into consideration all those measures connected with this important Bill.

Mr. G. Narayana Aiyar : Thanking you for the kind pronouncement, I beg to proceed further with my discussion. As I stated yesterday the Government communique specifically authorised the passing or bringing into existence of a Bill for the relief of the agricultural indebtedness which ought to exclude trade debts, commercial and other kinds of debts. Now the Bill, as framed or rather as presented to this House, is contrary to the communique. Civil courts have defined 'agriculturist' to mean a man who cultivates land himself, who ploughs lands, sows crops and attends to it, and the term is used to denote a person making his living by tilling the soil.

Sir, it can be seen from the preamble to the Bill that the object with which the Bill is framed is to relieve only agricultural indebtedness. The preamble says—

> "Whereas it is expedient to make certain provisions in relief of *agricultural indebtedness* it is hereby enacted as follows:—"

The preamble is very clear about the object of the Government in the framing of this Bill. It expresses clearly the lines on which the Bill is to be framed. The preamble also specifically shows the intention of the Government in regard to this Bill. It may be advisable to know what is the effect of the preamble in a Bill or Regulation. The preamble to an Act is a legitimate introduction to the Act. It is a key to open the meaning. It shows the evils intended to be remedied by the Act. It lays down the limitations and restrictions to which the Act is subject. It is always permissible to refer to the preamble for keeping the effect of the Act within its scope. When such is the legal view of the preamble to a Regulation and when the preamble is kept intact in this Bill also, it is very much regrettable to see that all the subsequent provisions are quite inconsistent with it. In this connection I agree with my friend Mr. M. N. Paramesvaran Pillai that the Bill is not well drafted. Before coming to the provisions of the Bill, I wish to make a few observations about it. There is no justification for the continuance of the Bill as it is. If at all, the Bill should be as suggested by my learned friend, a Bill for the relief of all debtors and not a Bill as it is now framed, because the subsequent provisions of the Bill do not agree with the preamble. Now, Sir, the committee appointed to inquire into the agricultural indebtedness have reported at page 101, para 68, that—

> "Most of our suggestions are of a temporary application, although they envisage the problem from all points of view, and we hope that they will be viewed in the same spirit of sympathy and consideration for the general well-being which we have kept before us. Where special treatment has been found necessary, we have not hesitated to make provision therefor.
>
> Speaking of the temporary character of our proposals, we may observe that, if cocoanut would rise to a minimum price of Rs. 4 a hundred and if there is a corresponding rise in the prices of our other staple products of export, there would probably be no special debt problem and no occasion for any special measure."

They clearly admit on an examination of the subject that the measures proposed are temporary and may cease if certain conditions are satisfied. The first condition stated therein is that, if the price of cocoanut would rise to a minimum of Rs. 4 per 100, there need not be an occasion for any sort of relief. A reference to the Gazette issued by Government will convince you, Sir, that the price

[Mr. G. Narayana Aiyar.]

of the cocoanut is Rs 4 per 100 from about Makaram last year and the price is steady.

Mr. P. Padmanabhan Tampi: May I know from the member whether he is aware that the price of the cocoanut at present has risen to Rs. 4 per 100 because of the scarcity of the cocoanut in this particular season or due to *chilleedu*.

Mr. G. Narayana Aiyar: I am not prepared to accept that statement. There is a steady increase.

Then, besides cocoanut, the other things referred to in the concluding remarks of the report are about the prices of other staple products of export. Under staple products of export come rubber, ginger, tea, cardamom, pepper, etc., etc. We will see what is the position of rubber. Rubber which had no value for some time has now some value. Four years before, the price was 4 pence per pound. Now it has risen to 9 pence. The price of tea has risen from 5 pence to one shilling per pound and cardamom from Rs. 18 to Rs 40. The price of rubber and tea will be kept up and maintained due to control and restrictions for years more. Tea restriction continues up to 1943 and the Rubber Control Bill is to be passed. It can be seen that there is a general rise in prices for the staple products of export. Government also have indicated that there are signs of recovery in prices and that the position is not as awful as it was represented to be years before There was a restoration of taxes on rubber lands by slightly raising it from Re. 1 to Rs. 2 per acre, which was the old rate.

Mr. V. S. Arumukham Pillai (*Tovala* cum *Agastisvaram*): May I know from the member whether there is a rise in the price of paddy?

Mr. G. Narayana Aiyar: There is a rise in the price of paddy also.

Mr. V. S. Arumukam Pillai: What is the price of paddy now?

Mr. G. Narayana Aiyar: I hope it is between 13 to 14 chs. per para.

Mr. Eric Hall (*The Travancore Planters*): May I inform the honourable member that the rise in the price of rubber and tea is due to the restriction scheme?

Mr. G. Narayana Aiyar: I admit that. But that is immaterial. There is greater demand for rubber now in India because of the opening of more factories.

Mr. A. N Visvanatha Pillai (*Quilon* cum *Karunagappalli*): വില കൂടുതൽ ഉണ്ടെന്നുപറഞ്ഞതു തെക്കൻതിരുവിതാംകൂറിനെ സംബന്ധിച്ചു മാത്രമാണോ?

Mr. G. Narayana Aiyar: തിരുവിതാംകൂർമുഴുവനും സംബന്ധിച്ചാണ്. ഗസററിൽ തേങ്ങാക്കു ശരാശരി ൧൦൦-നു ൪ രൂപാ വിലയുണ്ടെന്നു വിവരിച്ചിരിക്കുന്നു. നാട്ടുനടപ്പുവിലയും അങ്ങിനെതന്നെ.

President : Mr. Narayana Aiyar, you may proceed.

Mr. G. Narayana Aiyar : When a demand was made for reduction of land-tax in 1111, the Land Revenue Commissioner seems to have reported that there was no necessity for reduction because the position had much improved. So far as tea and rubber are concerned we can rest assured that there is no possibility of their prices going down. Because of the restriction scheme the prices are bound to remain as they are. So far as tea is concerned the restriction will continue till 1939 and I understand also that there is a recent order to extend it to five years more. So far as rubber is concerned, since its quota is assured and the Bill for its restriction is to be passed at once, we can hope that the prices of rubber or tea may not go down. As it was anticipated before, they are steady. Besides the refusal of the Government........

Mr. M. N. Paramesvaran Pillai : May I know whether rubber and tea are cultivated only by the European planters ?

Mr. G. Narayana Aiyar : Not exactly planters alone. Rubber is planted by many other people.

Mr Tariyatu Kunjitoman (*Nominated*) : റബ്ബറിന് എട്ടുകൊല്ലത്തിനുമുമ്പുണ്ടായിരുന്ന വിലയിൽ എത്രയിലൊരംശം വിലയാണ് ഇപ്പോഴുള്ളത്?

Mr. G. Narayana Aiyar : അതിവിടെ ആലോചിക്കേണ്ട ആവശ്യമില്ല. റബ്ബറിനു ഡിപ്രഷൻസമയത്തുണ്ടായിരുന്ന വിലയേക്കാൾ ഇപ്പോൾ കൂടുതൽ വിലയുണ്ട്. അതിനി കുറയുകയുമില്ല.

Mr. Tariyatu Kunjitomman : റബ്ബറിനു വിലകൂടുതലുണ്ടെന്നു പറഞ്ഞസ്ഥിതിക്കു സാമ്പത്തികാധഃപതനം വരുന്നതിനു മുമ്പുണ്ടായിരുന്ന വിലയുടെ എത്രയിൽ ഒരംശമാണു ഇപ്പോൾ വിലയുള്ളതെന്നുള്ള ഒരു ചോദ്യം സ്വാഭാവികമല്ലേ?

Mr. G. Narayana Aiyar: അതറിഞ്ഞുകൂടാ

Mr. M. N. Narayana Menon (*Kottayam*): റബ്ബർ എത്ര ഏക്കർ സ്ഥലത്തു കൃഷിചെയ്യുന്നു ?

Mr. G Narayana Aiyar : സ്റ്റാറ്റിസ്റ്റിക്സ് നോക്കിയാൽ മെമ്പർക്കു മനസ്സിലാകുന്നതാണ്.

Mr. G. Narayana Aiyar : It can also be seen that the tax on rubber lands which was Rs. 2 per acre was reduced to

[Mr G. Narayana Aiyar]

Re. 1 per acre due to depression. That concession remained till 1111 After that it was raised to the old level of Rs. 2 per acre. Thus there is clear admission that prices have improved and depression time is over. There is a general increase in price not only in tea and rubber but in other products also. Whatever might have been the attitude of the Government when they first brought the Bill, if they are convinced that such circumstances do not now exist or that conditions have improved, I submit that Government should not stick to the Bill and pass it. I am not of the opinion that the real agriculturist should get on without being given any relief. They do stand in need of relief. How can relief be given to them if the Bill is merely passed in the Legislature without providing sufficient funds for them to get rid of the debt burden? We find absolutely nothing about this in the Bill. All that we see in this Bill is conciliation, the effect of which will be the ruin of both creditors and debtors. There is no provision about the source of finance with which to help the debtors. There is absolutely no guarantee that the conciliated amount will be paid down. There is also another circumstance ....

Mr. M. Govindan (*Nominated*) : May I know from the member whether he will be satisfied if the Land Mortgage Bank is reconstituted ?

Mr. S. Piraviperumal Pillai : Sir, I rise to a point of order. The member is not in his seat.

Mr. M. Govindan : This is my seat. It was a wrong seat that I had occupied before. May I know from the member whether he will be satisfied if the Land Mortgage Bank is reconstituted on a statutory basis ?

Mr. G. Narayana Aiyar : For the really suffering agriculturists that may be of some relief. But the provision in the Bill is not intended to help the real agriculturists.

Mr. Kochikal P. Balakrishnan Tampi (*Mavelikara and Kartikapalli* cum *Kunnathur*) : Is the honourable member speaking for the creditors or the poor agriculturists ?

Mr. G. Narayana Aiyar : For both.

Mr. Komilezhathu Sankaran : May I know from the member whether the price of cocoanut gardens has increased ?

Mr. G. Narayana Aiyar : With the rise in the price of cocoanuts there will be a corresponding rise in the gardens as well.

Mr. Komilezhathu Sankaran : What is the significance of that rise in the light of the remarks made?

President : Order, order. Mr. Narayana Aiyar has demonstrated that he is able to withstand bombardments. At the same

time I think it will facilitate the convenience of the discussion if honourable members who have to put questions will reserve all these matters for their own speeches. There are certain questions which may be put for the purpose of clearing up anything that arises from the speeches of honourable members ; any obscurities or confusion of ideas or clearing matters which are ambiguous. But the general question time is not to be assimilated to the deepest distraction of the House. And my own suggestion, therefore, to those honourable members of the House is that members who want to clear specifically doubts arising from the remarks of the member who is speaking may do so, but what may be called a general interrogatory cannot be applied to the honourable member, probably ready and resourceful as he appears to be.

Mr. G. Narayana Aiyar : Ever since the cry for relief has been raised by a set of interested people, Government also have been trying to help them as far as possible. They have issued two Proclamations and a few circulars. You will see what is the effect of these circulars on the creditors. First of all, there was the first Proclamation issued to postpone the execution of decrees for 3 months. That was renewed by another Proclamation. Then circulars were issued from time to time to civil courts to be more lenient in the sale of the properties of the judgment debtors and in arresting them. Then came the Debt Redemption Committee and finally the Bill before this House. The effect of all this is that most of the debtors, even those really capable of paying their debts, are made to believe that they can avoid payment of the debt, with the result that they have been successfully postponing payment of their dues. Even those of tenants, who enjoy the property and take the yield and who are bound to pay rent to the jenmis have been putting off payment of the dues successfully because the definition of debts in the Bill includes even the rent which a tenant is liable to pay to the jenmi. What is the justification for this, it is difficult to see. Taking advantage of the boom in prices and the impression created by the Bill, tenants are misappropriating the rent and starving the landlord most unjustly.

What is the place, I ask, of trade debts in agricultural relief ?

Mr. M. N. Paramesvaran Pillai : Will not the failure of crops make payment of rents due difficult and subsequently become a debt ?

Mr. G. Narayana Aiyar : In case of crop failure, he may approach the jenmis who also generally allow remission or if he finds the property unyielding he may surrender it.

[Mr. G. Narayana Aiyar.]

Same is the case with the position of trade debts. The Bill, as it stands, includes any debt incurred for the purposes of trade. I ask, what is the necessity for including trade debts among debts of agriculturists? The absurdity is very clear. Supposing the so-called agriculturists go in for any foolish trade, speculation or adventure unconnected with agriculture and waste money, is the creditor, who has obliged them, to suffer?

Mr. Kayalam Paramesvaran Pillai (*Additional Head Sirkar Vakil*): In what way does the creditor suffer?

Mr. G. Narayana Aiyar: The man who has received the amount is putting off payment and wants reduction of his debts.

Mr. Kayalam Paramesvaran Pillai: Am I to understand from the member that creditors suffer because of the pendency of the Bill?

Mr. G. Narayana Aiyar: Taking advantage of the pendency of this precious Bill, debtors put off payment as much as they can and the creditor suffers.

In this connection it will not be out of place to read a few lines from the speech of the Honourable Finance Member of Madras and a well known economist, Sir Geofferey Bracken, when he delivered his speech at the seventh Annual Conference of the Presidency Land Mortgage Bank, Madras. The position has been dealt with by him most beautifully and it is interesting to know what he says on the subject—

"There is, to start with, an underlying assumption that all creditors are blood-sucking scoundrels who deserve no consideration and all debtors are poor innocent victims of oppression who have every right to be relieved of their liabilities. Now no one denies that there are some creditors who are hard-hearted and extortionate. But I am afraid, all debtors are not the innocent victims as the socialist picture would feign present. You, gentlemen, know the facts. The truth is that the great majority of both creditors and debtors are just, honest, ordinary citizens on the one side, not unreasonable in their demands, and, on the other side, anxious to meet their obligations to the best of their abilities. Nor must it be forgotten that in rural areas the same man may be and often is both a creditor and a debtor. On the socialist theory, I suppose, one half of him must be a villain and the other half an innocent victim and he had better be chopped in two to decide which half is to win or lose. In truth, the problem is not really so simple as some people would have us believe. Let us, for a moment, consider the matter as affecting the debtor ryot. The total or partial cancellation of debts must inevitably mean the weakening of confidence as between man and man and so the destruction of the whole delicate fabric of credit. No business on credit would be possible and consequently the marketing of agricultural products would be dislocated, with the result that the price would inevitably fall. Again, with the prospect of further cancellation of debts, who would be fool enough to lend money? Much better bury it under the floor than virtually make a present of it by lending. The

sources of rural credit would at once dry up and no money would be forthcoming for ordinary day to day transactions. You, gentle men, who are well acquainted with the internal economy of the village, can at once see what a disaster this would be to the ordinary ryot, accustomed as he is to borrow in advance of the harvest. If credit is denied, many ryots could not, for example, purchase seed grain for sowing and would die of starvation if they could not borrow small sums before harvest. I need not labour the point further. We may dismiss this specious remedy as worse than the disease.

Now, however desirable the scaling down of debts may be, I must sound a note of caution. It is an extraordinary remedy devised to meet the extraordinary situation created by the world wide economic depression and it has its disadvantages and dangers. I have already alluded to the danger of destroying the delicate fabric of credit. That this danger is real can be illustrated by the experience of some of the Loans Officers now engaged in scaling down debts as a preliminary to the grant of loans.........

Mr. M. Govindan: May I know from the member how many pages he is going to read ?

President: Order, order. I do not think the question is in order.

Mr. G. Narayana Aiyar:

"Though the arrangements made between creditors and debtors are purely voluntary, it has been reported that some debtors are reluctant to come forward to get their debts scaled down, because they fear that their creditors who, generally speaking, have treated them fairly, will hesitate, if debts are once scaled down, to make any further advances. Evidently the rural population is more alive to the realities of the situation than some of our doctrinaire socialists. If such is the case with the voluntary scaling down of debts, I leave it to you to consider what will happen if an element of compulsion is introduced.

But in delicate matters of credit, "make haste slowly" is a sound maxim. Better steady and orderly progress than a rush down a precipice. In my opinion, and this opinion is confirmed by the enquiries of the Special Loans Officers, both the total amount of rural indebtedness and its dead weight as judged by the rates of interest have been exaggerated, and the situation is not in reality quite as bad as it is sometimes painted.

If it has been granted that, in regard to the economic situation created by the depression, the help that Land Mortgage Banks can give is more of a palliative than a complete remedy, what then is the ultimate solution ? I feel certain that there is no possible short-cut to economic salvation. The process of recovery must be slow and gradual. First of all, there is the hope of a recovery in the price of agricultural products. Some recovery has already occurred, but not as much as could be hoped. But the outlook for the future seems to be definitely brighter in consequence of the recent move to stabilise exchanges. It is generally agreed that the stabilisation of exchanges at a natural instead of an artificial level is a most important step towards a general re-establishment of confidence and a real recovery of world trade.........

President: Order, order. I do not think that stabilisation of exchange has any bearing upon the finances of Travancore.

Mr. G. Narayana Aiyar:

"The immediate effect of a readjustment of exchanges may be temporary dislocation of business and a temporary setback in prices, but the next year or two, if no disturbing factor appears, we may look forward with some confidence to a gradual recovery of world commodity prices from which mainly agricultural countries such as India stand to gain most. If prices recover the danger is that the agricultural population, forgetful of the bitter lessons of the recent depression may fail to learn wisdom by experience and make the best use of returning prosperity. To my mind, the chief need of the agricultural population is a complete change of economic outlook. Instead of accepting chronic indebtedness as a natural and inevitable condition of life, now is the time to put up a fight to get clear of debt in a period of rising prices when better marketing facilities will, we may hope, give the actual cultivator a more adequate return for his labour. One good, at least, has come out of the evil of the depression, Hard facts have compelled the curtailment of wasteful expenditure. Let us hope that the habit of thrift will continue and that in future less money will be wasted in unnecessary extravagance on marriage ceremonies, factions and factious litigation."

Thus an authority on economics has viewed the real situation and has suggested the measures to give actual remedies to the agriculturists. I have made it clear that the necessity for passing legislation does not exist now. The conditions prevailing at the time when the Committee was appointed have ceased to exist ; there is recovery ; there is prospect of further recovery ; the prices of staple products will not go down.

It was suggested by the Committee that there is necessity for relief for three years. The Bill does not say for how long it is to be in force. The first Clause says it will come into force at once. In the final clause wherein some provision regarding reduction of interest, etc., is made, time-limit is fixed to three years. The Committee submitted the report on the 1st of October 1935. More than one year has elapsed. Only one or two years remain. It is therefore advisable to fix the duration of the Bill to two years.

Sound legal principles have been infringed in the drafting of the Bill. All civilized laws make distinction between secured and unsecured debts and creditors. This found a place in the original Bill. It has been dropped. We do not know for what reason. It is vaguely retained in Clause 35 wherein is provided that a secured debt gets 6 per cent. interest and unsecured debt gets 9 per cent. It will go to show that the rights of creditors are not properly taken care of. We have got similar Bills not only in Travancore. The Madras Government Act XI of 1936 as well as the Mysore Act have preserved the rights of secured and unsecured creditors.

Section 2 (i) of the Madras Act says—

> "'Secured debt' includes mortgage debt or any debt for which there is security, lien or charge of immovable property created by deed, statute or otherwise ;"

Secured creditor has also been defined by them.

What are the circumstances, I ask, which necessitated the droping of such an important provision which found a place in this Bill at the first stage ? What does this show ? It shows that the rights of the creditor are not cared for. Is this proper legislation ? Is it fair to place the creditor who has advanced money at low interest after obtaining proper security, and the creditor who, eager to get higher interest, has advanced money without caring for security, on the same footing

Sir, then comes the provisions relating to conciliation. Sir, conciliation is not new to the Travancore Statute Book. The Civil Procedure Code contains elaborate provisions for arbitration ; and there are also many rules framed for the purpose. In essence, conciliation is not different from arbitration ; only, whereas in the case of arbitration the parties themselves can appoint as arbitrators men in whom they have confidence ; in the case of conciliation, we do not know what sort of persons will be appointed as Conciliation Officers. Sir, these provisions relating to arbitration have been in our Civil Procedure Code for the last 60 years. Still, it has been our actual experience that people do not resort to arbitration although it is open to them to nominate their own men as arbitrators. Therefore, it is not likely that the provisions for conciliation will be taken advantage of by the people, especially as we do not know the status and character of the officers who will be appointed as Conciliation Officers. Now let us take it that a Munsiff or a Tahsildar or any such other officer will be appointed as Conciliation Officer. Now, what has the Madras Government done ? It cannot be said that their legislation is ill-conceived. In Section 3 of their Act, they say—

> "8. (1) The local Government may establish a Debt Conciliation Board for any district or part of a district. Such Board shall consist of a chairman and two members appointed by the Government The chairman shall be a person who holds or has held an office not lower in rank than that of a Subordinate Judge or a Deputy Collector."

I do not see how conditions in Travancore are quite different from those in British India. There is no right of appeal from the orders of this officer. Why should the British Government announce to the public that only experienced officers like District Judges or Deputy Collectors will be appointed ? When I asked the Law Member yesterday about the status of our Conciliation Officers, he said that proper officers will be appointed. I do not see why the public should not be informed of the status of the Conciliation Officer. Sir, it is on the status of the Conciliation Officer that the question depends as to whether conciliation is going to work satisfactorily or not.

[Mr. G. Narayana Aiyar.]

Going further into conciliation, there are certain provisions in this Bill which we cannot find in any other piece of legislation. The Law Member said yesterday that only debts of debtors who are really unable to pay will be conciliated. But there is no provision in the Bill which says that. As a matter of fact, similar Bills elsewhere contain such a provision. In the original Bill there was a provision that the debtor must make out or allege his inability to pay. His application for conciliation will not be considered unless he makes out such a case. In the Madras Act, as well as in the Mysore Act XVIII of 1928, unless the debtor specifically alleges that he is unable to pay his debts, his application for conciliation will be rejected. One cannot understand why that provision has been omitted in this Bill. If the debtor is so anxious about his prestige, let him not ask for conciliation. Why should the legislature help debtors to maintain their false prestige? What does the Insolvency Regulation say? Unless a man declares his inability to pay, his petition will not be entertained. Therefore, Sir, when there is such a provision in the legislations elsewhere and in our own Insolvency Regulation, there is no reason why such a provision should not find a place in this Bill. Then, in regard to the manner of the procedure, Section 7 says—

> "7. (1) On receipt of an application under Section 4, the Board shall pass an order fixing a date and place for hearing the application."

Sir, this appears to be a very curious provision. In regard to plaints, the Civil Procedure Code specifically lays down the facts that a plaint should contain; and, if a plaint does not contain all such facts, the Code provides that such a plaint shall be rejected or returned for amendment. We find such a provision in the Madras and in the Mysore Acts. Under the present Bill, all that need be done by a debtor is to put in a petition for conciliation; and, whether it contains all the necessary details and facts or not, on receipt of the application, the Conciliation Officer has to pass an order for conciliation. If, in a case pending before the Full Bench of the High Court, the debtor finds, after the arguments are over, from the attitude of the Judges, that he is likely to loose, all that he has to do is to rush at once to the Board and present some sort of petition for conciliation; and immediately conciliation proceedings will be ordered. And the proceedings in the High Court will be stayed. Will not this provision in the Bill dislocate, I ask, the work and the proceedings in our courts?

Mr. Kayalam Paramesvaran Pillai: Inasmuch as the question has been put, I may answer 'No', definitely.

Mr. G. Narayana Aiyar: Sir, even the formalities which have been considered necessary and have been provided for in similar matters before courts of law have been dispensed with in this Bill.

In this connection, I would bring to the notice of this House one matter in which the Government are interested. Debts due to

Government are excluded from the operation of these provisions. There is no provision in the Bill for the Government to be represented in the proceedings before the Conciliation Officer. Yesterday I asked the Law Member as to who will represent the Government in regard to the unsecured debts due to Government; and the learned Law Member said that the Conciliation Officer will ascertain them in his own way. In the absence of the Government interests being represented in the conciliation proceedings, all the other debts of a debtor may be conciliated, and all the creditors, except the Government, may share all the assets of the debtor among themselves, leaving nothing for the Government. What is it that the Government can do in such circumstances? Certainly, Government cannot proceed against the creditor who has purchased the property of the debtor for the price fixed by the Conciliation Officer.

Mr. M. N. Paramesvaran Pillai: May I draw the attention of the honourable member to Clause 28 of the Bill?

Mr. Kayalam Paramesvaran Pillai: That provision applies only subject to certain conditions.

Mr. G. Narayana Aiyar: Clause 28 begins with the statement—

"Except for special reasons to be recorded in writing,..............

What are the special reasons? Unless the Legislature speaks out in these matters, there is no use.

As I was submitting, Sir, Government may have to lose money due to them in the shape of court costs and amounts due under abkari and other contracts, debts which are in their nature unsecured. The provision is therefore not at all satisfactory.

In this connection, I would like to draw the attention of the House to the very valuable statements made by Their Honours the Judges of the High Court in their memorandum on this Bill. They say—

"The definition of the term 'debt' is also equally wide so as to include commercial debts, debts incurred for marriages, house building or for extravagance and speculation, incurred by agriculturists for non-agricultural purposes."

Mr. M. N. Paramesvaran Pillai: May I know how the honourable member got a copy of the memorandum of the High Court?

Mr. G. Narayana Aiyar: I asked for it, and got it.

President: I am told by the Secretary that the memorandum has been made available for the House. If the honourable member will ask the Secretary for a copy of it, he will get it.

Mr. M. N. Paramesvaran Pillai It has been ruled that only those documents, copies of which have been made available to all the members of this House, could be referred to during debates.

President : I do not know whether that is accurate. A copy of the memorandum has been placed in the Library of the Legislature ; and I believe it is still there. It is open for inspection by honourable members of this House. If any honourable member requires a copy of it for his use, he will be given a copy.

Mr. G. Narayana Aiyar : The High Court further say —

> " Unless these words are properly defined, the critics of this Bill, of whom there must be many, may well exclaim, with a certain amount of justification, that the title of the Bill is not quite in conformity with the provisions thereof, and that the purpose of the Bill itself, as stated in its objects and reasons, may eventually be miscarried."

In regard to the definitions, they also say—

> " 2. The inclusion of rent due under Kanappattom and other leases, which are only the land-lord's share of the produce of the land enjoyed by the tenant,....................".

They also say that some pecuniary limit ought to be prescribed for the jurisdiction of the Conciliation Board. It will be seen that secured debts and unsecured debts are placed on the same footing.

Coming to Clause 15 we find that it is peculiar to Travancore. The debtor is to be given one-fourth of his assets. We do not find it in any other enactment in British India or any other State. That provision is peculiar to Travancore.

Mr. Kayalam Paramesvaran Pillai : I question that statement. That is not correct. The statement that one-fourth of the property of the debtor shall be given to him is not correct.

Mr. G. Narayana Aiyar : I see some provision about it. It says that a portion, say $\frac{1}{4}$, shall be left to the debtor free from all liability. When a Legislature lays down a provision it should be clear and distinct. Why not insert a sufficiently clear provision say, one-fourth or one-tenth of the property ? When the creditor gets only two annas in the rupee if the provision one-fourth is applied, the debtor may get more. What is the object of that particular provision ? It is likely to be interpreted that one-fourth is the minimum. If it is not meant to be so, why not definitly fix a minimum or suggest alternatives ? I do not say that nothing should be left to the debtor for his sustenance. (Mr. Kayalam Paramesvaran Pillai: *Hear, hear.*) The provision as it exists is harmful and not at all proper and liable to be misused.

Then there are other provisions in the Bill which work very great hardship on the creditors. In the case of a creditor who is not willing to be conciliated, Section 19 imposes very great penalties upon him. It says that if a creditor refuses to comply with the terms of the certificate issued by the Conciliation Board he has to be penalised. This penalising provision is peculiar to Travancore

I will read how the Madras Bill penalises. Our Bill says that any creditor who does not yield to the wishes of the Conciliation Officer shall forego all interest and cost of the suit. It says :-

> "..................such court, having regard to the certificate and the conduct of the parties in connection therewith, may, in its discretion, disallow in whole or in part the costs of the suit or of the application, as the case may be, and may also, in its discretion, reduce the amount of the interest remaining due for the period from and after 1st Chingam 1105 up to the date of the decree or order or the application, as the case may be."

Even retrospective effect is given under this provision. Now what are the provisions elsewhere. The Madras Act specifically says :—

> "Where any creditor sues in a civil court for the recovery of a debt in respect of which a certificate has been granted under sub section (1), the court shall, notwithstanding the provisions of any law for the time being in force, not allow the plaintiff any costs in such suit or any interest on the debt after the date of such certificate in excess of simple interest at 6 per cent. per annum on the principal amount due on the date of such certificate."

Our Legislature reduces rates from 1105. Now there is the Cochin legislation. There is the Creditors Protection Bill in progress in Cochin. What does it say? What are the conditions here different from the Cochin State? Therein also it is said :—

> "When a creditor refuses to agree to an amicable settlement, it is stipulated, that when he sues in a civil court for the recovery of a debt in respect of which a certificate is granted, the court shall not allow the plaintiff any costs in such suit or any interest on the debt after the date of such certificate in excess of simple interest exceeding 3 per cent."

There no retrospective effect is given.

Mr. Kayalam Paramesvaran Pillai : Is it a Bill or a Regulation?

Mr. G. Narayana Aiyar : It is a Bill. In the Mysore Act also we do not find such a provision. If a man says that he is not willing to be conciliated, is he to be penalised for that? According to our Bill a creditor is penalised because he claims what is due to him. He has to forego all interest and bear the cost of the suit. This provision is rather very hard.

(At this stage the President left the House and Mr. V. S. Arumukham Pillai, one of the Panel of Chairmen, took the Chair.)

Then there are the provisions in Clause 33 which provide for the payment of debts in instalments of 24 within a period of 12 years. There is a provision to say that if the debtor does not pay 8 consecutive instalments, then only his right of paying by instalments will be forfeited. The wording is such that it is enough if he pays only one instalment during the course of three years. It is

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enough if he pays another instalment at the end of three years and thus he can prolong the period. Thus there is an indefinite postponement of the rights of the creditor.

Mr. Kayalam Paramesvaran Pillai: Will not many creditors be thankful even for that ?

Mr. G. Narayana Aiyar : There may be such creditors.

Then it is not provided that the benefit of the conciliation shall be applicable to the whole State. Government may establish Conciliation Boards in any particular place they please. Men placed in the same position in other places do not get the relief that is afforded to other people. To say that one man does not get the benefit enjoyed by another in the State is highly objectionable.

Mr. Kayalam Paramesvaran Pillai : If the conciliation is such a vague thing as the member portrays it to be, is it not far better that the whole State is not troubled with this troublesome thing ?

Mr. G. Narayana Aiyar : I do not understand the question. If, as the Law Member says, it is a blessing let everybody enjoy its benefit.

Clause 35 also is not quite conclusive.

Mr. M N. Paramesvaran Pillai : Suppose one of the debtors before the Conciliation Board withdraws the proceedings. How will the Board be able to adjust the claim with other debtors without knowing how the decree is given to the debtor who has gone away from the Board to the Civil Court ?

Mr. G. Narayana Aiyar: It is impossible. There will be utter confusion. I think the position of Our Government seems to be this. Because other Governments have passed such Bills this Government also should pass such a Bill. Place it in the Statute Book whether it be advantageous or not to the creditors or the debtors. We should not be lacking behind. That seems to be the only motive underlying this Bill.

In Clause 35, interest is fixed for future transactions without any regard to the amount involved. A good number of loans transacted are for small amounts. For such small loans can we expect anybody to lend at 6 per cent. interest. It may be possible if such a rate is fixed for large sums. For sums in thousands or lakhs of rupees the interest may be fixed at 6 per cent or below that. People cannot claim anything more than 6 per cent. for such large sums. But to fix the rate at 6 per cent. for small sums is highly injurious. The absence of any minimum in respect of which the 6 per cent. interest is to be fixed is highly deteremental. That will very seriously affect the poor agriculturists. Their hopes are based upon the harvest. The agriculturists borrow money from the creditors on the

assurance that they will repay the money at the time of harvest. They want only small loans. It is very doubtful whether hereafter they will get small loans at 6 per cent, for their urgent needs. The Bill is a stumbling block on the circulation of money. Money will get out of the State in this unsecured situation.

Mr. Kayalam Paramesvaran Pillai : Is not 9 per cent. on unsecured loans sufficiently high?

Mr. G. Narayana Aiyar : In the case of small loans below Rs. 100 it is very doubtful whether people will get it at that rate. A man who wants to get money must get it easily.

Another fact is that loan transactions will never come into existence hereafter. All transactions will end in sales. Is it not open to us to say that we are not prepared to lend money in this uncertain position? This situation has to be avoided.

Mr. Kayalam Paramesvaran Pillai : Why should that be avoided?

Mr. G. Narayana Aiyar : There will be regular sales of properties. Properties will pass from the hands of agriculturists to non-agriculturists. Agriculturists will not retain possession of the properties. Leases, hypothecations and mortgages of properties will cease to exist as is the case in Central Provinces, where such a legislation has proved to be a failure. There will be terrible loss of stamp and registration revenue.

Again, the Honourable Judges of our High Court have said in their Memorandum as follows :—

> "One fundamental principle of conciliation is that there should be a certain amount of give and take by both parties, willingly or unwillingly. When cash is tendered to a creditor, he is likely to make generous reduction to get out of the impasse. While there are penalties imposed upon the creditor if he does not agree to the conciliation suggested by the Board, under the provisions of the Bill, he does not get a corresponding benefit by ready payment in cash. He obtains only a certificate which is as much an empty piece of paper as his decree itself was. To execute the certificate, he has again to go back to the Court. Creditors naturally would make a mock attempt to find out if anything is forthcoming in cash at the conciliation, and when they find that no cash is forthcoming, as is likely to be in most cases, they are likely to withdraw from the Board's proceedings and would prefer to execute their decrees through courts, less the interest and costs, which may be disallowed as sanctions against them. Even then in most cases, the creditor might believe himself to be a gainer."

Sir, in the Madras Act and elsewhere, it is stated that if the creditor goes to a court of law ignoring the decision of the Conciliation Board and files a suit and if the debtor is prepared to deposit the conciliated amount, then alone has the creditor to lose his costs and interest from the date of certificate to the date of suit. But here, if the debtor is not prepared to do that even, then why

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should the creditor be penalised? Here the debtor is under no penalty. A simple certificate is necessary for him. If the debtor is prepared to pay the conciliated amount we can punish the creditor who is not willing to accept the conciliated amount.

Then again, in the Memorandum of the High Court it is stated that—

"There appears to be no penalty on the defaulting debtor, who has been committing default ever since the contract matured or the decree was passed. It must be stated that the interest on debts in several parts of British India is far higher than it is in Travancore. What is a success in other parts of India may not necessarily be a success here in the circumstances apart from the highly litigious nature of the people here.

The Bill as it stands will deprive the courts of the major portion of the suits, appeals and execution work, pending before them. The work of any Conciliation Board, even within the limited area of a Munsiff, will be overwhelming and will include all the money suits pending in the Munsiffs' Court and in appeal in the District Court and the High Court together with the execution petitions (money) pending with the former courts for the last ten or twelve years.

So long as each debtor owes several debts to different persons, each application by a debtor will amount substantially to several suits. It will take months or even years before the contested application of a single debtor is conciliated. Unless the provisions are such that the Board is able to determine or dispose off applications fairly quickly the work before a Board will nullify the purpose of its existence.

The provision that no contract will be enforced beyond 6 per cent. interest will considerably affect the credit not only of agriculturists, but of business men and individuals in the whole State and will afford a fillip for enabling the capital soon to leave the State, and eventually the Bill, instead of affording relief, may work serious injury.

The Board may preferably be authorised by rules, if possible, to start with such cases where debtors and creditors jointly agree to have their disputes determined by the Board.

The Bill, in whatever form it may be passed, should be tried as an experimental measure in three or four of the bigger towns. To set up Conciliation Boards in the whole State at once, will paralyse the work of several courts, and naturally after some time, when the country finds that the Conciliation Boards are not able to do as much useful work as hoped for, the Boards will be swept off together with the Act, and the whole work will be relegated wholesale back to the courts.

The absence of any provision recognising the priority of secured debts over unsecured ones is somewhat disturbing. That the sanctity of the secured mortgages and other solemn secured contracts is proposed to be set aside, may really be regarded as being confiscatory in nature.

The provision of Section 10 that the decree of a civil court shall be conclusive evidence of a debt may give rise to several fraudulent decrees, mostly *ex parte*, manipulated by the debtor in favour of his friends or relations."

Mr. M. Govindan: Sir, on a point of order. Can the member read a speech from a manuscript?

Chairman: He is only quoting a speech.

Mr. G. Narayana Aiyar: Sir, these are recommendations of the Honourable High Court and not my own speech.

Mr. Kochikkai P. Balakrishnan Tampi: Sir, I move, under Rule 69 of the Legislative Rules, that the question be now put to the House that the motion of Mr. Kayalam Paramesvaran Pillai be taken into consideration.

Mr. M. N. Paramesvaran Pillai: On a point of order, Sir, may I know whether the member is competent to move such a motion especially when there are other speakers who want to speak on the Bill?

Chairman: As there are several members to speak on this important subject I do not accept the clause motion.

Mr. G. Narayana Aiyar: Sir, the position of the chitty foremen will also be very difficult, if the Bill is passed as it is. Suppose the subscriber to a chitty can come under the definition of 'agriculturist.' He can escape from the provisions of the *Udampady* he has executed for the future conduct of the chitty by claiming a large number of instalment payments and longer time. The foreman who has to depend upon the subscribers for paying the prized subscriber may not be able to pay in time and will be declared a defaulter under the provisions of the Regulation. That is very bad and he has to be protected. This Bill will, not only not help the debtor but it will put an end to all credit transactions of the country. So I request the House to drop the Bill. With these words, I oppose the motion.

Mr. P. Padmanabhan Tampi: Sir, I beg to support the principle of the Bill. In supporting the principle of the Bill, I beg to point out that it is not adequate to give relief to the agriculturists. To speak plainly, the Bill as it is, is a much ado about nothing. I am supporting the principle of the Bill not because it gives adequate relief but because something is better than nothing. I beg to point out further that the proposed legislation is rather belated. It is admitted at least at this stage by the Law Member that there is depression in the land and that there is the necessity for the alleviation of the condition of the agriculturists. Sir, depression set in a long time ago, that is in 1105, and the cry for amelioration of the condition of agriculturists has arisen from non-official members and from the public even from that time. There were resolutions passed and recommendations made even from the old Legislative Council and the Sri Mulam Popular Assembly. During the regime of Dewan Bahadur

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V. S. Subrahmania Aiyar certain committees were appointed to enquire into the real conditions of the people and they have submitted their reports to the Government. These reports have made it clear that the conditions of the agriculturists are very hard and that they really wanted relief. Again Government thought of appointing another committee to enquire into the question. It was brought to the notice of Government that the policy of Government in appointing another committee was simply to put off matters without giving relief to the agriculturists. It was stated that the matter would be considered at the earliest possible opportunity and the relief would be given as early as possible. After the report was placed before Government, they instead of introducing the Bill placed the report for the consideration of this House and the Lower House and after that a Bill was introduced even quite against the recommendations of the report of the committee. Sir, the committee was presided over by an able and experienced officer like Mr. K. George and the Law Member himself was in the committee. The committee suggested for a reduction in the rate of interest from the year 1105 and some other relief measures were also recommended by the committee. When the Bill was introduced in the Lower House those salient principles were not accepted. The Bill passed through certain stages after the Select Committee Report and reached the second reading stage in the Assembly. Then we had a campaign conducted by rich planters and pensioned officers by holding a meeting. After that meeting the Bill was held in abeyance for an indefinite period. Even this House was summoned to discuss the Bill after the third reading in the lower House. In that session the Bill was not taken. The impression of the people was that it was due to the influence of the planters and the pensioned officers that the Bill was withheld and was kept away for an indefinite period. Now the Bill was introduced again in the Assembly by cutting its head and tail without any important measures of relief in the Bill. The Assembly passed the Bill and it is now before us. I question this House what is the real benefit that the agriculturists will get under this Bill, and what is the disadvantage to the creditors? Sir, I assert before this House that there is absolutely none. The real difficulty of the agriculturists at present is that there is no market for their land. The agriculturists purchased the properties when the price was high in the market and on that security the agriculturists borrowed money. For instance, before 1105, one acre of paddy land in Nanjinad was worth Rs. 2,500. Big officials, capitalists and others wanted to purchase lands in Nanjinad and they have purchased lands at this

price. Now on account of the fall in the price of agricultural products, lands have become less valuable and now one acre of paddy land costs only Rs. 700. Now there is this Bill and there is this Conciliation Board. With all the so-called benefits in the Bill how can the agriculturist repay his debts even if twenty-four, thirty and forty instalments are given for him to repay his debts? How can he discharge his debts unless the Government or the mover finds some means to see that the value of the property is raised? Otherwise it is not possible for the agriculturist to repay his debts. The simple thing by which this can be brought about is by reducing the rate of interest to 6 per cent. Now all the capitalists of our country hoard their capital in Banks which fetch a higher rate of interest. And what are the conditions in the Banks? They have got a large amount of dead capital without any circulation, and they themselves feel the difficulty of circulating the money outside the Banks. This is a purely agricultural country. The Banks will find it difficult to heap the dead capital and they have to find out means for the circulation of their capital. They have to give money only to agriculturists. If one acre of land is worth Rs. 700, they will advance only Rs. 300 to an agriculturist, which is not sufficient for his need. But the Banks will give money on gold. As a matter of fact all our gold has been taken away and we have absolutely no gold. Now we have got only certain immovable properties with which we have to pay up and clear our debts. The only way I would suggest is to raise the price of the land by reducing the rate of interest to 6 per cent.

Mr. S. Piraviperumal Pillai: Has the member thought of the devaluation of the rupee?

Mr. P. Padmanabhan Tampi: Yes, I will answer it at present.

For example, one hundred years ago our Government thought to fix the rate of interest at 12 per cent. So far as I am aware, there is no such Regulation in any of our Indian States or in British India. Now, at 12% interest, we have been conducting our business for the last 100 years and there is no cry for a larger rate of interest. All these bankers, money lenders and agriculturists are quite satisfied with this rate of interest prevailing for the last 100 years. This rate was fixed according to the conditions that prevailed 100 years ago in Travancore. Now we have reached another stage when the prices of commodities have fallen down, as admitted by Government, by more than 50 per cent. Now, Sir, this is purely an agricultural country. Even according to the last census, our agricultural population comes to more than 50 per cent. The remaining 50 per cent, are much benefited by the agriculturists and agriculture is

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the means of subsistence to them also. We are not merchants and the whole country is living on agriculture alone. If the produce of agriculture has gone down by 50 per cent. why not the interest on the capital also be reduced to 50 per cent? This principle is found in the Bill; but the time-limit fixed will affect injuriously both the money-lenders and the agriculturists. The money-lenders will not give money at 6 per cent. or they will lend money at 6 per cent. by taking the other 6 per cent. from the capital. If the time-limit is not given and the rate of interest is reduced to 6 per cent. until the normal state of affairs is regained, every banker or money-lender will be obliged to give the money at 6 per cent. rate and the agriculturists will also receive the money from the money-lenders. Then the value of the property will also increase. By this we can raise money on the security of the property. To a question asked yesterday, the Law Member was saying that Government is not prepared to give their helping hand for the agriculturists to pay off their debts. I point out, Sir, unless Government stand as a mediator between creditors and debtors and support the agriculturists by giving money from the Land Mortgage Banks, it is not possible for the agriculturists to pay off the debts even by twenty-four or by a larger number of instalments. The other day a Banker was telling me that even in his Bank there are lakhs and lakhs of rupees kept without any interest and the dead capital was increasing every day. Why not a Central Bank be started in Travancore by giving debentures by Government and taking all the dead capital available? Government can then issue money to the agriculturists on proper property security. If this is done and if the Land Mortgage Banks are founded on statutory basis and made useful to the public, the debt of the agriculturists can be lessened and the suffering of the poor agriculturists may be relieved.

I may even point out to you, Sir, that on account of the proposed legislation there is much hardship to the present day agriculturists because all the creditors are executing the decrees with double vigour. The Government thought that some immediate relief was necessary to protect the debtors and the Proclamations regarding exemptions from arrest, etc., were issued. We thought, that the Bill would be introduced on the basis of that. Now the present Bill gives relief from arrest only on certain conditions. If the Government are convinced that the arrest may be exempted, why not the agriculturists be exempted from arrest and the debts realised from their property? I beg to point out that the Bill as it is does not give much benefit to the creditor or the debtor.

Mr. M. N. Paramesvaran Pillai: May I know whether genuine agriculturists who have taken agricultural loans from the Land Mortgage Bank to pay off their real agricultural debts get any benefit under this?

Mr. P. Padmanabhan Tampi: Yes; some benefit.

Mr. M. N. Paramesvaran Pillai: Under what provision?

Mr. P. Padmanabhan Tampi: The debts from Government are exempted.

Chairman: I find here a list of members who want to speak and Mr. Piraviperumal Pillai's name comes next.

Mr. M. N. Paramesvaran Pillai: May I know whether the names will be called only in the order in which they are found in the list?

Chairman: Not necessarily.

Mr. K. P. Nilakanta Pillai: May I request to put my name also in the list?

Mr. G. Narayana Aiyar: My name too (*Laughter*).

Mr S. Piraviperumal Pillai: Sir, I oppose this Bill in the form it now stands. In doing so it must not be supposed that I am against affording relief to the agriculturists. On a previous occasion the Law Member, while a similar Bill was brought elsewhere, opposed that Bill on the ground that it was unjust both to the creditor and to the debtor. This Bill is very similar to that. I have only to repeat the very same arguments now to say that this Bill is unjust to the creditor and the debtor. This is what the Law Member said then—"If both the parties agree, the Board will have validity as a decree of a court of law having jurisdiction in that area. Even if the parties do not agree, it is open to the Board to issue a certificate for an arrangement which they consider reasonable in the circumstances of the case. Such certificate issued even though the parties do not agree is not binding on the parties; but it will impose a penalty on the creditor, for when he goes to the Court with a suit to recover the debt the future interest on the debt may be reduced to 6 per cent and he may be made to suffer the costs of the suit. Sir, it seems to me that the Bill as designed is inadequate and even positively objectionable. I would say it is both unjust to the creditor and also not sufficiently just to the debtor". Do not these arguments hold equally well to the present Bill? What has the Law Member got to say? I ask, Sir, is there any provision in this Bill which gives guarantee to the creditor that the conciliated amount, that is the amount settled by the Board will be paid to him in cash? This is what the Law Member said on a previous occasion when he opposed a similar Bill referred to by me. "Sir, why should he accept the reduced amount suggested by the Board? Some inducement must be placed before him to accept it. ... But, Sir, there is no such provision for immediate payment in the Bill. That is why I said that the Bill is unjust to the creditor". I ask the

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Law Member Sir, is there any provision in this Bill for immediate payment? Is this Bill not therefore unjust to the creditor? Said the Law Member then "And then if the creditor does not agree, why should he forfeit his costs of suit and suffer a reduction of interest of some proportion under which the creditor will get cash. If some cash at least had been placed before him, it would be something. But there is no provision for it". This Bill also makes the creditor forfeit his costs of suit and makes him suffer a reduction of interest of some proportion under which the creditor will get cash. What has the Law Member to say to this?

Again Sir, the Law Member said "The Bill does not do sufficient justice to the debtor either. Because how is he going to pay this debt even as reduced by the Board? Where is he to go for the five thousand rupees which the Board is going to ask the creditor to accept in full settlement for the debt of Rs. 10,000? So far as we can see, Sir, the debtor is not presumably able to raise even Rs. 1,000. So, in spite of the conciliation, his land will have to be sold in execution of the decree, for the certificate issued by the Board has the value of a decree and the creditor will naturally take it to a court and execute it as a decree; and the debtor is sure to be deprived of his land for some inadequate price and it does not matter, if he is to be deprived of his land, that it is deprived for a decree for Rs. 10,000 or Rs. 5,000. Sir, Travancore is an agricultural country and it is the agricultural population that is heavily involved in debt. Our object must be to see that the agriculturists must prosper. The man who cultivates land must be helped to retain possession of his land. Where is the provision in this Bill to that end? Under the Bill, his land is sure to be sold for the conciliated debt, if not for the full debt, and our main problem will still remain unsolved.

I am saying that there is no provision in the Bill to ensure that the agriculturist in whom we are all interested will not be deprived of his land. It seems to me that an attempt must be made to help the agriculturist to retain his land if that be possible. No such attempt has been made in this Bill That is why I say that it does not do sufficient justice to the debtor." I ask the Law Member, Sir, whether there is any similar provision in this Bill?

Mr. M. N. Paramesvaran Pillai: May I know whether the member is not bound to give the page and the name of the book from which he is reading so that the quotation may be known to all?

Mr. Kayalam Paramesvaran Pillai: You can look into it.

Mr. M. N. Paramesvaran Pillai: May I know whether there is an officer called the Law Member in Travancore? I suppose there is none.

Chairman: Mr. Piraviperumal Pillai, you please go on.

Mr. S. Piraviperumal Pillai: As I have stated, I object to this Bill on the same arguments which the learned Law Member raised when a similar Bill was presented elsewhere. Those objections weigh with the same force here also.

Mr. M. Govindan: May I know how many years ago it was that the Bill was dealt with?

Mr. S. Piraviperumal Pillai: Three hundred and sixty five days ago.

Mr. M. Govindan: May I know whether the conditions have not changed since?

Mr. S. Piraviperumal Pillai: Yes; but the change is for the better.

I submit that this Bill is similar to that Bill which the Law Member opposed on that occasion. This Bill is in no way different from the other except verbal changes in one or two sentences here and there. Therefore what I say is that this Bill will not relieve the agriculturists to any extent whatsoever. On the other hand, I am afraid, if this Bill is passed into law the agriculturists will be falling out of the frying pan into the fire. If some effective provison had been introduced in this Bill making it obligatory on the part of the Land Mortgage Bank to advance loans to clear up the conciliated debts I would have thanked the Law Member and welcomed this Bill.

The Council adjourned for lunch at 1 P. M. and reassembled at 2 P. M., with Mr. V. S. Arumukham Pillai, one of the Panel of Chairmen, in the Chair.

Mr. S. Piraviperumal Pillai: When the House adjourned for lunch, I was submitting that this Bill was similar to the one which on a previous occasion, was introduced by a non-official member on the floor elsewhere.

Mr. Kochikal P. Balakrishnan Tampi: What was that Bill.

Mr. S Piraviperumal Pillai: The Law Member objected to the principles of that Bill, on the grounds I read out just a while ago.

Mr. M. Govindan: May I know who introduced that Bill?

Mr. S. Piraviperumal Pillai: Mr. T. P. Velayudhan Pillai, Member of the Sri Mulam Assembly.

Mr. Kochikal P. Balakrishnan Tampi: Which is that Bill, may I know?

Mr. S. Piraviperumal Pillai: A Bill to relieve the indebtedness of the agriculturists.

Sir, the objections which the Law Member then raised against that Bill, apply with equal force to the Bill now before us.

Mr. E. P. Varghese: May I ask whether that Bill was not objected to by the Law Member on the ground that the Government themselves were intending to introduce a Bill for the same purpose?

Mr. S. Piraviperumal Pillai: Yes. The Law Member said that Government wished to bring in a Bill which would really give relief to the agriculturist, and that the Bill before the House would not afford any relief worth the name. He also said "But, my point, as I have already explained is that a Conciliation Board by itself cannot take us very far. The solution of the problem does not depend entirely on some reduction in the amount of debt. What is more important is the devising of a suitable machinery if possible to liquidate the debt without the debtor being deprived of his land. As I have explained, the creditor must be paid cash as an inducement to accept the reduced amount and such cash must be advanced by the Government or by some institution supported by the Government on easy terms on the security of the debtor's lands. But these are all matters on which the Bill is silent."

Sir, my submission is that the Bill now before us is also equally silent on all these. It does not in any way give any better relief to the agriculturist than the other Bill to which the Law Member objected. If the Land Mortgage Bank had been linked to the Conciliation Board—which, from what the Law Member said the other day, I thought he would do– there would really have been some relief to the agriculturist.

Mr. M. Govindan: Even if there be no such linking as my friend would wish, would it not do if the Government guarantee the necessary loans from the Land Mortgage Bank ?

Mr. S. Piraviperumal Pillai: Sir, we are enacting a piece of legislation. We should make clear and definite provisions in it which would give real relief to the agriculturist. My friend asks me whether an undertaking by the Government would not suffice. Then, there is no need for a Bill at all. I am submitting, Sir, that, unless the Bill clearly provides that all the debts settled by the Conciliation Officer would be paid by the Land Mortgage Bank, there would be no real relief to the agriculturist. Sub-clause (*a*) of Clause 15 says—

"(*a*) that the debtor pay the creditor or creditors forthwith, or within a time to be fixed by the Board, a lump sum in cash in full settlement of all the debts, the amount of such lump sum being fixed by the Board having regard to the facts enumerated in Section 13 and to the amount which the debtor may raise by mortgaging his entire properties to the State Land Mortgage Bank or to some such recognised institution".

Unless there is something to the effect that cash payment would be made, some such guarantee, what is the fun of conciliating and scaling down the debts? Clause 15 (*b*) says—

"(*b*) that a portion, say one-fourth, of the assets of the debtor be left to the debtor free from all liability for his debts and the balance left to the creditor or creditors to be appropriated by them or to be

sold and the sale proceeds distributed among them it being also laid down how the property, or the sale proceeds, as the case may be, shall be distributed amongst the creditors, if there are more creditors than one.

Take, for instance, the case of a debtor who has Rs. 20,000 on the whole. Under this Clause he says "Give me Rs. 5,000 and distribute the balance of Rs. 15,000 among my creditors". The Board issues a certificate accordingly. Let us take it that the creditor refuses to accept the certificate issued by the Board. The debtor takes it to the court. Now, what is the penalty for the creditor not accepting the award of the Board ? According to this Bill, he has to lose his costs. That is comparatively a trifling matter. But, how does it help the debtor ? So, I submit, this Clause also does not afford any relief to the debtor. This Bill is, therefore, neither just to the creditor nor useful to the debtor.

Another point I wish to submit in this connection is about the question of reduction of interest. Sir, the Debt Redemption Committee carefully considered the question, and stated that, while reducing the interest, distinction should be shown to Banks. Yesterday, when I asked the Law Member about this, he said that the Committee had not stated like that. Sir, at page 67 of its Report, the Committee says—

> "Having anxiously considered all the aspects of the question, the Committee have come to the conclusion that it will be equitable to all parties if in the matter of this reduction of interest, some sort of special treatment is accorded to the banking institutions including within its scope joint stock banks, private banks and other banking institutions which carry on their local transactions mainly with the deposits that they receive from the public. The rate of interest allowed by these banks to depositors rarely, if ever, exceeds 9 per cent. The Committee, therefore, consider that if a rate ranging from 6 to 9 per cent. is fixed as the reduced rate of interest instead of the rate fixed in the case of ordinary creditors, it will afford some relief to the agriculturist debtors owing moneys to these banks without, at the same time, causing any appreciable loss to these institutions."

But there is no provision like that in the Bill.

Mr. Kayalam Paramesvaran Pillai: What is the interest the reduction of which is contemplated there?

Mr. S. Piraviperumal Pillai: All that I submit is that there should be some distinction shown in regard to interest due to banking institutions.

Mr. Kayalam Paramesvaran Pillai: May I just point out to the honourable member that the interest contemplated there is that due from 1105 downwards ?

Mr. S. Piraviperumal Pillai: The Committee says, at page 66 of its report :—

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"In the evidence before us, some of the representatives of the banks while generally opposing the reduction of interest on past transactions urged that if such reduction is made, they should be excluded from its scope."

There, it is stated that some distinction should be made between ordinary creditors and banking institutions.

Mr. Kayalam Paramesvaran Pillai: But the interest referred to there is the interest for a past period.

Mr. S. Piravipeumal Pillai: It is the interest on past debts, and not for a past period.

Mr. Kayalam Paramesvaran Pillai: I question that.

Mr. S. Piraviperumal Pillai: It is the interest on past debts.

Mr. Kayalam Paramesvaran Pillai: Yes, from what period?

Mr. S. Piraviperumal Pillai: Even before 1105.

Mr. Kayalam Paramesvaran Pillai: Is it not the interest accruing from 1105 onwards that is contemplated by the Committee in its statement quoted by the Member?

Mr. S. Piraviperumal Pillai: I have nothing to say on that, Sir.

Mr. M. N. Paramesvaran Pillai: May I point out that this Bill does not affect the interest for any period prior to the date of the commencement of this Regulation?

Mr. S. Piraviperumal Pillai: It does affect the interest even on transactions entered into before the commencement of this Regulation.

Therefore, Sir, my submission is that some distinction should be shown, in this matter of reduction of interest, in favour of banking institutions.

Then, Sir, let us see what the effect of this Bill will be if it is passed into law. It will surely paralyse credit in the country. Sir, is that a state of affairs which we can even think of now? In the words of His Gracious Highness, the problem that stares us is to discover new avenues of employment and to secure the industrialisation of the State by the starting of large scale cottage industries. That means sufficient funds. The Dewan himself definitely declared the other day that what was lacking in Travancore was a central financing institution which would reinforce the credit in this State. Can any such Central Bank be orgainsed without foreign capital flowing into the country? If we paralyse credit like this, will any foreign capital venture to come into Travancore? While, therefore, it is our paramount duty to persuade the Government to organise such a Central Bank at the earliest opportunity to regenerate our economic prosperity, what are we doing now? We are forging a measure which will paralyse credit. Are we not,

therefore, doing real disservice to the country when we pass this Bill as it is. It is not a real relief to the agriculturist. It is, on the other hand, a positive harm even to the agriculturist himself. I am really afraid, Sir, that, if this Bill is passed as it is, the agriculturist debtor will be in greater difficulties than he is now. Now, he is unable to pay his debts. If this Bill is passed, I ask, will he get four cash worth of match box or salt on credit? Sir, that is the point that we have to consider while we enact a measure of this kind. Sir, there is a proverb in Tamil "கிணறுவெட்ட பூதம் புறப்பட்டது."

I am afraid, if this Bill is passed, the agricultural debtor will be in greater difficulty. Now this difficulty is that he is unable to pay the debt which he has incurred. I will ask, Sir, if this Bill is passed, will he get any relief? Are we really helping him by this Bill? These are some of the points which have to be considered when we enact a measure like this. When we think of giving relief to the agriculturist and we pass a Bill in this House it should not be harmful to him. He should not be made to say "only save me from my friend". Therefore, I submit, that this Bill should not be passed in the present form. The agriculturist does stand in need of relief and relief ought to be given him; but what is the fun of passing a Bill which works harm to him. It is our duty as a second Chamber to see that such measures are not passed. Therefore, Sir, I submit that the House will throw out this Bill and bring in another Bill which will serve the purpose.

Mr. E. P. Varghese: We are confronted with two great opposing forces. One is the creditor capitalist and the other the indebted agriculturist. Government have tried to hold the balance even and found a measure acceptable to both. But even at this late hour there is so much of opposition from the creditor class and also a sort of discontent among the debtor class.

Mr. M. N. Paramesvaran Pillai: May I know from the member whether any resolution has been passed in any public meeting requesting the Council to pass this Bill?

Mr. E. P. Varghese: Nor have I heard of any resolution protesting against this Bill.

Mr. S. Piraviperumal Pillai: Does the member want a Bill at all? If so what kind of Bill does the member want?

Mr. E. P. Varghese: I want a Bill which will give substantial relief to the indebted agriculturists.

I support the principle that half a loaf is better than no loaf at all. I do not think, that it will be ever possible to find a measure which will satisfy both parties. My chief objection to some of the provisions is confined to the establishment of Conciliation Boards only in certain places so as to exclude certain parts of the country. If this Bill is intended for the relief of agricultural debtors, I do

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not see any reason why any portion of the country should be excluded from it. Perhaps, for convenience of administration or from the point of view of financial liability, Government might have thought it expedient to establish Boards only in certain places. The honourable High Court also have recommended that it should be tried in certain towns.

Mr. S. Piraviperumal Pillai: Do not the honourable High Court say that in its present form the Bill is more injurious?

Mr. E. P. Varghese: Yes, they do. I cannot understand the reasonableness of denying the benefits of this Bill to any agriculturist in any part of the country. I am opposing that on principle, because the agricultural debtor whether he lives in the South or North or Central Travancore is a debtor and he must be brought under the operation of this Bill. To try it as an experiment in towns is practically useless because towns are not the place in which agriculturists live. It is a place where traders are to be found in abundance and much objection will have to be met from the traders to the working of this Bill in the towns and it will not prove a success if this is tried in towns. My contention is that no part of the country should be excluded from the operation of the provisions of this Bill. Though it is said in the Section that officials and non-officials may be appointed as members of the Board, it was said by the honourable Law Member that mostly officers will be employed. It is not very complimentary to the non-officials. I would submit that there is one danger in appointing only officials. Our judiciary somehow or other has fallen into a rut of slowness. Law's delay has been one of the notorious complaints against the administration of justice here.

Mr. M. N. Paramesvaran Pillai: Suppose Tahsildars and acting Munsiffs are appointed, will it be satisfactory?

Mr. E. P. Varghese: It will not be. It may be worse. Officers are generally in sympathy with the creditor class. Ordinarily, we cannot expect them to view things impartially in this matter. It is not judging as in the judiciary, but a sort of conciliation to be effected with a creditor and debtor, and the officers being in sympathy with the creditor class we cannot expect them to be "a friend, philosopher and guide" in these matters.

Mr. S. Piraviperumal Pillai: Are they temperamentally so?

Mr. E. P. Varghese: They are not. Their sympathies are with the creditor class, they themselves being creditors, and so they will not be the proper persons.

Mr. M. Govindan: May I know from the member whether he is of opinion that the status of the Conciliation Officer should be stated in the Bill itself?

Mr. E. P. Varghese: I am objecting to the officer alone being a member.

Mr. Kayalam Paramesvaran Pillai: Will the objection apply if a non-official is appointed ?

Mr. E. P. Varghese: I agree with the recommendation of the Committee to constitute Boards consisting of officials and non-officials. The members of the Board should be persons who are impartial and who have not acquired sympathies with any particular class.

Mr. M. N. Paramesvaran Pillai: Do you advocate communal representation in the Board ?

Mr. E. P. Varghese: Yes, to some extent. That has become a factor which cannot be avoided.

Mr. S. Piraviperumal Pillai: Can that be avoided if the question is referred to the Public Service Commissioner ?

Mr. E. P. Varghese; That I am not concerned with now. I shall have my say when the matter is before the House.

Mr. M. Govindan: May I know whether the argument will not apply to the present judicial officers also ?

Mr. E. P. Varghese: The judicial officers have to judge; the Conciliation Board has to effect a conciliation—how much interest is to be reduced ; whether any portion of the capital can be reduced, etc.

Mr M. Govindan: Does the member suggest that they will work with a bias?

Mr. E. P. Varghese: Yes.

Mr. M. N. Paramesvaran Pillai: Who according to the member is the proper person ?

Mr. E. P. Varghese: I am giving only a suggestion. There must be officials and non-officials in the Board. That is the recommendation of the Committee also.

Mr. M. Govindan: Is it possible to select non-officials without bias ?

Mr. E. P. Varghese: This is a general remark which applies to officials as well as to non-officials.

Most of the objection to the beneficent provisions of the Bill was led by pensioned officers. The sympathy of the pensioned officers also is with the creditor class.

Mr. K. P. Nilakanta Pillai: May I know whether the member is for having Conciliation Boards or not ?

Mr. E. P. Varghese: I am.

Mr. K. P. Nilakanta Pillai: From what date does the member hold that view? *(Laughter)*

Mr. E. P. Varghese: From the time I was confronted with the position—either this Bill as it is or no Bill at all.

It is practically useless under the circumstances to have this Bill passed as it is. The desire of most of the persons who have

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been agitating for some relief to the agriculturists seems to be that at least this Bill may be passsd into law.

There is also another difficulty in this sort of procrastination of the Bill. It has created a kind of uncertainty in the minds of all sections of the people. The introduction of the Bill in the Legislature has created a lot of unsettlement in the country. Either pass it, or throw it away. Let us expedite, one way or the other. Let the people know where they are.

Another objection I have to raise is about the period from which the interest is to be reduced. It ought to be reduced from 1105. The learned Law Member argued that, that would be expropriatory. What I would suggest is that interest actually paid already need not be taken into account; it is only there that expropriation would arise. If we reduce interest which has not been actually paid, strictly speaking, there would be no expropriation. Such interest is only amount due to the creditor, a right that has accrued. It is not cash that has actually been paid.

Mr. M. Govindan: Is it not a right that has already accrued?

Mr. E. P. Varghese: In one sense, it may be; but the amount has not been actually paid; and, the amount may not be paid at all. If the creditor demands too much he will kill the goose that laid the golden eggs, the debtor may collapse altogether, and nothing may be realised from him. Sir, the representatives of banking interests suggested to the Committee that, if they were paid 65 per cent. of their dues in cash, they would willingly write off the balance. Therefore, I do not think there would be any objection if we reduce interest which has not been paid actually. Interest which has been paid must be left out of account; only that which is due and remains unpaid should be calculated at the reduced rate.

There are objections also to many other provisions in the Bill. Several of them may be unworkable and dilatory. They may complicate matters still further. But the Bill, considered as a whole, may, I think, be passed into law as early as possible. I believe that all those who are interested in the welfare of the agrarian population will see that this Bill is passed at once.

Mr. Komilezhathu Sankaran: I move that the question be now put.

Mr. M. N. Paramesvaran Pillai: The Chair has already ruled that as the matter was very important and as there were many who would like to speak on it, closure should not be moved.

Mr. Komilezhathu Sankaran: Where is the harm in taking the sense of the House?

Chairman: The Dewan-President has stated that it was an important matter on which many honourable members would like to speak; and I find there are many who would like to speak on the Bill. It is better, I think, that opportunities are afforded to them. Therefore, I shall not allow any motion for closure, at this stage.

Mr. M. N. Narayana Menon: സർ, ഞാൻ ഈ ബില്ലിന്റെ തത്വത്തോടു യോജിക്കുന്നു. എന്നാൽ ഈ ബില്ലുകൊണ്ടു് കർഷകർക്കു് ശരിയായ ആശ്വാസം ലഭിക്കുന്നില്ല. എന്റെ സ്നേഹിതരിൽ പലരും പറഞ്ഞതുപോലെ രാജ്യത്തിന്റെ നട്ടെല്ലായ കർഷകർക്കു് ആശ്വാസം നൽകുന്നതായ ഒരു ബില്ലാണു് ഇതെന്നു ഇതിന്റെ പേരുകൊണ്ടു് തോന്നിപ്പോകുമെങ്കിലും വാസ്തവത്തിൽ അതിനനുസരണമായ ഗുണം അവർക്കു് ഇതുകൊണ്ടു ലഭിക്കുമോ എന്നുള്ളതു് കണ്ടുതന്നെ അറിയണം. എന്നാൽ മുതലാളിമാർക്കും ഈ ബില്ലുകൊണ്ടു് പറയത്തക്ക ദോഷവുമില്ല. ഇങ്ങനെ രണ്ടുകൂട്ടർക്കും പറയത്തക്ക വിധത്തിലുള്ള പ്രയോജനം ലഭിക്കാത്ത തരത്തിലാണു് ഈ ബില്ലു കൊണ്ടുവന്നിരിക്കുന്നതു്. എന്നുവരികിലും ഈ ബില്ലു് ഈ രൂപത്തിലെങ്കിലും എത്രയും വേഗത്തിൽ നിയമമായിക്കാണ്മാൻ ഞാൻ ആഗ്രഹിക്കുന്നു

ഈ ബില്ലിനുതന്നെ പല ദോഷങ്ങളുണ്ടു്. രഞ്ജകബോർഡുകൾ ഏർപ്പെടുത്തുന്നതിനുള്ള വ്യവസ്ഥകൾ ഇതിലുണ്ടു്. എന്നാൽ ഒരൊററ ആളെ ആശ്രയിച്ചും വിശ്വസിച്ചും ആണു് ബോർഡു സ്ഥാപിക്കപ്പെട്ടിരിക്കുന്നതു്. അതും ഒരു ഗവൺമെന്റുദ്യോഗസ്ഥമെമ്പറെ മാത്രം. തിരുവിതാംകൂറിലെപ്പോലെ ആണ്ടുതോറും ഭീമമായ ഒരു തുക വിദ്യാഭ്യാസത്തിനുവേണ്ടി ചെലവു ചെയ്തു സാക്ഷരതയും വിദ്യാഭ്യാസവും വളരെയധികം സമുന്നതമായ ഒരുനിലയെ പ്രാപിച്ചിട്ടുള്ള ഒരു രാജ്യത്തു് കാര്യങ്ങൾ ന്യായമായും നിഷ്പക്ഷമായും കേട്ടു തീരുമാനിക്കുവാനുള്ള ഒരൊററ അനുദ്യോഗസ്ഥനെപ്പോലും കിട്ടുവാൻ ഗവൺമെന്റിനു കഴിയുന്നില്ലെങ്കിൽ പിന്നെന്തിനാണു വിദ്യാഭ്യാസത്തിനുവേണ്ടി ഇതുവളരെ പണം ചെലവു ചെയ്യുന്നതും വിദ്യാഭ്യാസത്തിൽ നാം വളരെ മുന്നണിയിലാണു നിൽക്കുന്നതെന്നഭിമാനിക്കുന്നതും. ഈയവസരത്തിൽ ഇൻഡ്യയുടെ മററു ഭാഗങ്ങളിലേക്കു് നമ്മുടെ കണ്ണോന്നോടിച്ചാൽ നമുക്കു് കാണാം ഈ രഞ്ജക ബോർഡുകൾ ഏർപ്പെടുത്തിയിരിക്കുന്നതുകൊണ്ടു് ജനങ്ങൾക്കു സാരമായ ഗുണം സിദ്ധിക്കുന്നുണ്ടെന്നു്. ഒരൊററ ഉദാഹരണം മാത്രം പ്രസ്താവിക്കാം. സെൻട്രൽ പ്രാവിൻസിൽ ഇതുപോലെയുള്ള രഞ്ജക ബോർഡുകൾ ഏർപ്പെടുത്തിയിട്ടുണ്ടു്. ഈ അടുത്ത കാലത്തു് ഒരു പത്രത്തിൽ എനിക്കു വായിക്കാനിടയായി. ഏകദേശം ഒന്നരക്കോടി രൂപയുടെ കേസുകൾ ഈ ബോർഡുകൾ തീരുമാനിച്ചതിന്റെ ഫലമായി അതു് അറുപതുലക്ഷം രൂപയുടെ ഇടപാടുകളാക്കിത്തീർത്തു എന്നു്. അവിടെ അനുദ്യോഗസ്ഥന്മാരുംകൂടി അടങ്ങിയ ബോർഡുകളാ

[Mr. M. N. Narayana Menon.]

ണുള്ളതു്. ഇങ്ങനെയുള്ള ബോർഡുകൾ ഒരൊററയാളിൽ മാത്രം ലയിച്ചിരിക്കുന്നതു് ശരിയാണെന്നെനിക്കഭിപ്രായമില്ല.

അതുപോലെതന്നെ സാധാരണ കർഷകർക്കു വളരെ രക്ഷ ചെയ്യുന്നതും അവരെ സാരമായി സഹായിക്കുന്നതുമായ consolidation of holdings (വസ്തുക്കളുടെ ഏകീകരണത്തെ) അനുകൂലിക്കുന്ന ഒരു വകുപ്പുകൂടി ഈ ബില്ലിൽ ചേർക്കുന്നതു വളരെ നന്നായിരിക്കും. ഛിന്നിച്ചിതറിക്കിടക്കുന്ന വസ്തുക്കൾ ഒരേ സ്ഥലത്തിലാക്കുന്നതിനുള്ള ഒരു നിയമമാണതു്. പഞ്ചാബിൽ ഈ നിയമം നടപ്പിലാക്കിയിട്ടുണ്ടു്. രണ്ടു കൊല്ലത്തോളമായില്ല. എങ്കിലും ഒരുലക്ഷത്തിഇരുപതിനായിരത്തിൽ പരം വസ്തുക്കൾ പലഭാഗങ്ങളിലായി കിടന്നിരുന്നതു ഇരുപതിനായിരത്തിനു മേലാക്കിത്തീർത്തു. ഇതു് വസ്തു ഉടമസ്ഥന്മാരായ ആളുകൾക്കു വളരെ ഉപകാരപ്രദമായ ഒരേർപ്പാടാണു്. ഈ ഏർപ്പാടുകൊണ്ടു് ആർക്കും നഷ്ടവുമില്ല—കർഷകനു് വളരെ പ്രയോജനവും ലാഭവുമുണ്ടു്. നായന്മാർ, ക്രിസ്ത്യാനികൾ, ഈഴവർ മുതലായ ഇവിടത്തെ പ്രബല സമുദായങ്ങൾ എല്ലാം ആളോഹരി ഭാഗം ചെയ്തുകൊണ്ടു ഇവിടെ ഒന്നും രണ്ടും സെൻറു ഭൂമികൾമാത്രം കൈവശം വച്ചുകൊണ്ടിരിക്കുന്നവർ ധാരാളം പേരുണ്ടു് ഒരാളുടെ പലസ്ഥലങ്ങളിലുമുള്ള വസ്തുക്കൾ ഒന്നിച്ചുവരുന്നതിനുള്ള ഈ വിധമായ ഏർപ്പാടുകൾ ചെയ്താൽ അതുകൊണ്ടു് ആർക്കും ദോഷമില്ലാതെ കർഷകനു് ലാഭമായി കഴിയുന്നതാകുന്നു.

ചിട്ടിനടത്തുവന്മാരെ സംബന്ധിച്ചിടത്തോളം ഒരു വാക്കു പറയേണ്ടതുണ്ടു്. ഇന്നലെ എൻെറ ബഹുമാന്യസ്നേഹിതന്മാരായ മെ: രാമകൃഷ്ണപിള്ള, ബാലകൃഷ്ണൻ നമ്പി എന്നിവരും ഞാനും ഓരോ നിവേദനങ്ങൾ ചിട്ടി റഗുലേഷൻെറ നമ്പർ-൨വകുപ്പു് (ക്ലാസ്സ് ൭) ഭേദഗതി ചെയ്യേണ്ടതിനായി ഗവൺമെൻറിൽ സമർപ്പിച്ചിട്ടുണ്ടു്. ചിററാളന്മാർ കൊടുക്കാനുള്ളതു തവണയായിട്ടു കൊടുത്താൽ മതി എന്നു വ്യവസ്ഥ ചെയ്യുമ്പോൾ തലയാൾ ആ തുക ഒന്നിച്ചു കൊടുക്കണമെന്നു നിർബന്ധിക്കുന്നതു ഒരിക്കലും ശരിയല്ല. അതു് മുന്നാളന്മാർക്കു് വളരെ സങ്കടകരമായിട്ടുള്ള ഒരുകാര്യമാകുന്നു. അതുകൊണ്ടു് ചിട്ടി റഗുലേഷൻെറ ആ വകുപ്പുകൂടി ഈ റഗുലേഷനനുരൂപമായി ഭേദഗതി ചെയ്യേണ്ടകാര്യം ഗവൺമെൻറു് ആലോചിക്കേണ്ടതാണു്.

ഒരൊററ വ്യവസ്ഥകൂടി ചെയ്തിരുന്നെങ്കിൽ എൻെറ ബഹുമാന്യസ്നേഹിതന്മാരിൽ പലരും ഈ ബില്ലിനെ അനുകൂലിച്ചു സംസാരിക്കുമാ

യിരുന്നു. അവർ പറയുന്നതു ഏകദേശം ശരിയാണ്. കൺസിലിയേഷൻ ബോർഡിൽ തീരുമാനിക്കുന്ന കേസുകളെ രൊക്കം കാശായി കൊടുത്തു് തീർക്കുന്നതിനുള്ള ഏർപ്പാടുകൂടി ഈ ബില്ലിൽ ഉണ്ടായിരുന്നെങ്കിൽ തരക്കേടില്ലായിരുന്നു. ഭൂസ്വത്തു ജാമ്യ ബാങ്കു മുഖേന ബോർഡിൽ തീരുമാനിക്കുന്ന കേസുകൾക്കു പണം രൊക്കമായി കൊടുക്കുന്നതിനുള്ള വ്യവസ്ഥകൾകൂടി ചെയ്തിരുന്നെങ്കിൽ എങ്ങിനെയെങ്കിലും ഇടപാടുകൾ തീർന്നാൽമതിയെന്നുള്ള വിചാരത്തോടുകൂടിയിരിക്കുന്ന ഉത്തമർണ്ണന്മാരും അധമർണ്ണന്മാരും ഒരുപോലെ സമ്മതിക്കുമായിരുന്നു. നൂറു രൂപ കൊടുത്തു് തീർക്കുവാനുള്ള ഒരു ഇടപാടിനു അറുപതോ അൻപതോ രൂപ കൊടുത്താലും മതി, അതു രൊക്കമായി ഉടനെ കിട്ടുമെന്നുണ്ടെങ്കിൽ, എന്നു പല മുതലാളിമാരും ഋണനിവാരണക്കമ്മിററി മുൻപാകെ മൊഴി കൊടുത്തിട്ടുണ്ടു. എന്നാൽ ഇവിടെയുള്ള ഭൂസ്വത്തു ജാമ്യ ബാങ്കിലെ ഇപ്പോഴത്തെ വ്യവസ്ഥകളും ഈ ഉദ്ദേശസാദ്ധ്യത്തിനു അശേഷം പര്യാപ്തങ്ങളല്ല. രൊക്കമായി പണം കിട്ടുമെന്നുണ്ടെങ്കിൽ പലിശ മുഴുവനും മുതലിൽ കുറെ ഭാഗവും ഇളവു ചെയ്യുന്നതിന് ഉത്തമർണ്ണന്മാർ അത്രവളരെ വിസമ്മതം പ്രകടിപ്പിക്കയില്ല.

(At this stage the President took the Chair.)

സർ, ഞാൻ ഭൂസ്വത്തുജാമ്യബാങ്കിനെപ്പററിയാണ് സംസാരിക്കുന്നതു്. കൺസിലിയേഷൻബോർഡ്മുഖാന്തിരം ക്രമപ്പെടുത്തുന്ന തുക ഭൂസ്വത്തുജാമ്യബാങ്കിൽനിന്നു കൊടുക്കത്തക്കവിധത്തിൽ ഒരു ഭൂസ്വത്തുജാമ്യബാങ്ക് ശരിയായി രൂപീകരിച്ചു എന്നുവരുകിൽ ഈ നാട്ടിലുള്ള പണക്കാർക്കാകട്ടെ കടക്കാർക്കാകട്ടെ ഈ ബിൽ ഒരുവിധത്തിൽ സമ്മതമായി തീരുമായിരുന്നു. അയ്യായിരം രൂപയായി തീർക്കുവാനുള്ള ഒരു ഇടപാടിനു രൊക്കം കിട്ടുകയാണെങ്കിൽ രണ്ടായിരം രൂപയായാലും മതി എന്നു പല ഉത്തമർണ്ണന്മാരും വിചാരിക്കുന്നതാണ്. തങ്ങൾ കൊടുത്തുതീർക്കേണ്ടുന്ന കടം ഇത്രയും കുറച്ചുകൊടുത്താൽ മതിയല്ലോ, എന്നു കരുതി അധമർണ്ണന്മാരും തങ്ങളുടെ സ്വത്തുകൾ ബാങ്കിലേക്കു ഈടുവയ്ക്കുന്നതിനു പ്രേരിതരാകും. അതിനാൽ ആ ഒരു വ്യവസ്ഥകൂടി ചെയ്തിരുന്നാൽ ഈ ബിൽ ഇരുകൂട്ടർക്കും ഇത്രവളരെ വിഷമംകൂടാതെ ഉപയോഗപ്പെടുത്താൻ കഴിയുമായിരുന്നു. ഈ ആവശ്യത്തിനുള്ള പണം ഗവർമ്മെന്റു വിചാരിച്ചാൽ ഉണ്ടാകുന്നതാണ്. ഈയിടെ ൫൦ ലക്ഷം രൂപ കടം എടുക്കണമെന്നു ഗവർമ്മെന്റു വിചാരിച്ചപ്പോൾ ഇരുനൂ

[Mr. M. N. Narayanan Menon.]

ററിഅൻപതുലക്ഷം രൂപയുടെ അപേക്ഷകളാണു കിട്ടിയതു്. ചുരുങ്ങിയപക്ഷം ൧൫൦ ലക്ഷംരൂപ കുറഞ്ഞപലിശയ്ക്കു കടം എടുക്കണം. ആ തുക ഭൂസ്വത്തുജാമ്യബാംകുമുഖാന്തിരം വിതരണംചെയ്താൽ ദുർഭിക്ഷനിവാരണത്തിന് കുറെയൊക്കെ ശമനംവരുന്നതാണ്. ഈ അവസരത്തിൽ എനിക്കു മദ്രാസിലെ ഭൂസ്വത്തുജാമ്യബാംകിലെ കഥയാണ് ഓർമ്മയിൽ വരുന്നതു്. ഇവിടെ ൫൦ ലക്ഷംരൂപ മൂലധനംകൊണ്ടു തുടങ്ങിയ ഭൂസ്വത്തുജാമ്യബാംകിന് ഇപ്പോൾ ൧൨൦ ലക്ഷം രൂപ മൂലധനമായിരിക്കുന്നു. അതുപോലെ ഇവിടെയും ഇവിടത്തെ സ്ഥിതിഗതികൾ അനുസരിച്ചുള്ള വ്യവസ്ഥകളോടുകൂടി ഒരു ഭൂസ്വത്തുജാമ്യബാംക് ഏർപ്പെടുത്തുന്നപക്ഷം അചിരേണ ഈ രാജ്യത്തു് ഉത്തമർണ്ണർ എന്നുംഅധമർണ്ണർ എന്നും ഡെററർ എന്നും ക്രഡിററർ എന്നും മററും പറയുന്ന തരത്തിലുള്ള യാതൊരു വ്യത്യാസങ്ങളും ഉണ്ടാകുന്നതല്ല. അതിനാൽ ശരിയായ നിലയിലുള്ള ഒരു ഭൂസ്വത്തു് ജാമ്യബാംക് ഗവമെൻറു് ഉണ്ടാക്കേണ്ടതു് വളരെ അത്യാവശ്യമായ ഒരു കാര്യമാകുന്നു.

ഇനി, സിവിൽ അറസ്റ്റിനെപ്പററിയാണ് എനിക്കു പറയുവാനുള്ളതു്. ഇതിനെപ്പററി എൻെറ മാന്യസ്നേഹിതന്മാർ പലരും ഇവിടെ സംസാരിക്കുകയുണ്ടായി. ഇൻഡ്യാസാമ്രാജ്യനിയമസഭ അടുത്തകാലത്തു പാസ്സാക്കിയ ഒരു ബില്ലിലും സിവിൽവാറണ്ടിനെ കഴിയുന്നിടത്തോളം ഒഴിച്ചുവച്ചാണ് പാസ്സാക്കിയതു്. ഇവിടെയും അങ്ങനെ ചെയ്യേണ്ടതു വളരെ അത്യാവശ്യമാകുന്നു. ഒരു അധമർണ്ണൻ കൃത്രിമമായും മനഃപൂർവമായും ഉത്തമർണ്ണനു പണം കൊടുക്കാതെ കഴിക്കുന്നതിന് ശ്രമിച്ചാൽ അവനെ വാറണ്ടിൽ പിടിക്കുന്നതിനു വിരോധമില്ല. എന്നാൽ അയാൾ അങ്ങിനെ കൃത്രിമമായിട്ടുള്ള ഉദ്ദേശത്തോടുകൂടി വന്നിരിക്കുകയാണു എന്നു തെളിയിക്കാതെ ഒരാളെ വാറണ്ടിൽപിടിക്കാൻ പാടില്ല. ഇങ്ങനെ തെളിയിക്കുന്നതു ഉത്തമർണ്ണൻെറ ചുമതലയാണ്. ഇന്നു ജനങ്ങളെന്താണു് ആവശ്യപ്പെട്ടിരിക്കുന്നതു്. ചുരുങ്ങിയ പലിശക്കു പണം തരണമെന്നാണ്. ഉൽപ്പന്നങ്ങളുടെ വിലക്കുറവുംമററുംകൊണ്ടു വസ്തുക്കളുടെ വില വളരെ കുറഞ്ഞുപോയി. അയ്യായിരം രൂപ വിലയുണ്ടായിരുന്ന ഒരു വസ്തുവിന് ഇപ്പോൾ ആയിരത്തഞ്ഞൂറു രൂപ പോലും വിലകിട്ടുകയില്ല. അയ്യായിരം രൂപ വിലയുണ്ടായിരുന്നപ്പോഴാണു ആ വസ്തുവിൻെറ ഉടമസ്ഥൻ പണം കടംവാങ്ങിച്ചിരിക്കുന്നതു. അയാൾക്കു അന്നും ഇന്നും ഉള്ള സ്വത്തു് അയാളുടെ ഭൂമിയാണ്. ഇന്നു ഭൂമിക്കു വില കുറ

ഞ്ഞുപോയതു് അയാളുടെ കുററമല്ല. അപ്പോൾ അയാളെ ബന്തവസ്സു ചെയ്യുകയെന്നുള്ള രീതി ഒരിക്കലും ആശാസ്യമായിട്ടുള്ളതല്ല. പണംകേന്ദ്രീകരിച്ചുവച്ചിരിക്കുന്ന ചില സ്ഥലങ്ങളിൽ കൂടുതൽ പോലീസ് ബന്ധവസ്സ് ഏർപ്പെടുത്തിയിരിക്കുന്നതായി ഞാൻ പത്രത്തിൽവായിച്ചു. എന്തുകൊണ്ടാണ് അങ്ങിനെ ചെയ്യേണ്ടിവന്നതു്? ഇവിടെയും ആ ഒരു നില വരുന്നതിനു മുൻപു് ജനങ്ങളുടെ വിഷമതകളെ കുറേശ കുറേശയായി പരിഹരിക്കുവാനുള്ള ഏർപ്പാടുകൾ ഗവമെന്റു ചെയ്യുവാനുദ്ദേശിക്കുന്നില്ലെങ്കിൽ രാജ്യത്തിനു് ഐശ്വര്യവും സമാധാനവും പുലർത്തുവാൻ പിന്നീടു വിചാരിച്ചാൽ ഗവമെന്റിനു് സാധിക്കാതെ വന്നേക്കാം. അതുകൊണ്ടു വാറണ്ടിൽപിടിച്ചു് ഒരാളെ ബന്തവസ്സിൽ വയ്ക്കുന്ന ഏർപ്പാടു് നിറുത്തൽ ചെയ്യേണ്ടതാകുന്നു.

ഇങ്ങനെ ഒട്ടുവളരെ ന്യൂനതകൾ ലാമെമ്പർ ഹാജരാക്കിയിരിക്കുന്ന ഈ ബില്ലിനെപ്പററി പറയാനുണ്ടെന്നിരുന്നാലും കഴിയുന്നതും വേഗത്തിൽ ഈ ബിൽ നിയമമായിക്കാണ്മാൻ ഞാൻ ആഗ്രഹിക്കുന്നു.

Mr. M P. Madhavan Pillai (*Truvalla* cum *Pattanamtitta*) : തിരുവിതാംകൂറിലെ കർഷകജനങ്ങളുടെ ഇടയിൽ ഉണ്ടായ വിഷമതകൾക്കു് ഏതെങ്കിലും പരിഹാരങ്ങൾ ഉണ്ടാകത്തക്ക നിലയിലുള്ള ഒരു ബില്ലാണോ ഇപ്പോൾ ഇവിടെ അവതരിപ്പിച്ചിട്ടുള്ളതെന്നു എനിക്കു വളരെ സംശയമുണ്ടു്. ഇങ്ങനെയുള്ള ഒരു ബിൽ ഇപ്പോൾ ഇവിടെ അത്യന്താപേക്ഷിതമായിട്ടാണോ ഇരിക്കുന്നതെന്നാണ് നാം ആലോചിപ്പാനുള്ളതു്. തിരുവിതാംകൂറിലെ യഥാർത്ഥ കർഷകർ സാമ്പത്തികനിലയിൽ വളരെ അധികം സങ്കടം അനുഭവിക്കുന്നുണ്ടെന്നുള്ളതിനു പല പല തെളിവുകൾ നമുക്കു കാണ്മാൻ കഴിയുന്നുണ്ടു്. എന്നാൽ ഈ ബില്ലുകൊണ്ടു് യഥാർത്ഥമായ കടക്കാർക്കു് അവരുടെ കടത്തിനു എന്തെങ്കിലും പരിഹാരമോ ഇതരസൗകര്യങ്ങളോ ഉണ്ടാക്കിക്കൊടുക്കുന്നുണ്ടോ എന്നാണ് നാം ഇവിടെ ആലോചിക്കേണ്ടതു്. ഇവിടെയുള്ള കടക്കാരെപ്പററി പറയുകയാണെങ്കിൽ, അവരെ രണ്ടുമൂന്നായി തരംതിരിക്കാവുന്നതാണ്. ഇന്നത്തെ കർഷകരിൽ ഭൂരിഭാഗവും അരയോ, കാലോ ഏക്കർ സ്ഥലം ഭൂമിവാങ്ങി അതിൽ ദേഹണ്ഡംചെയ്തു് കാലയാപനംചെയ്യുന്ന ഒരുകൂട്ടം ആളുകളാണ്. അങ്ങനെ ഭൂമിവാങ്ങിയ ആളുകൾ തന്നെ വസ്തുക്കൾ പണയംവച്ചും ഈടുകൊടുത്തും ചിട്ടിപിടിച്ചും മററുമാണ് ഇന്നു കഴിയുന്നതു്. ചിട്ടി പിടിച്ച പണത്തിനു് മുതലോ പലിശയോ തീർക്കുവാൻ ഇടയാകാതെ അവർ വലിയ ആപത്തിൽ പെട്ടിരിക്കുന്ന ഒരു ഘട്ടമാണ് ഇതു്. പിന്നെ വേറൊരുതരം കടക്കാരുണ്ടു്. വമ്പിച്ച

[Mr. M. P. Madhava Pillai.]

ഭൂസ്വത്തുള്ളവരും വമ്പിച്ച കൃഷികൾ നടത്തുന്നവരുമാണ്. അവർ ഉല്പന്നങ്ങൾക്കു വിലകിട്ടാതെ വന്ന അവസരത്തിൽ കടം വാങ്ങിച്ചു ചെലവുചെയ്യുകയും അങ്ങനെ ഇപ്പോൾ വളരെ വിഷമിക്കുകയും ചെയ്യുന്നു.

പിന്നെ ഒരുകൂട്ടർ സ്വന്തം ഭൂമി ഇല്ലാത്തവരും അന്യരുടെ ഭൂമിയിൽ കൃഷിചെയ്യുന്നവരുമാണ്. അവരും ഇന്നു കടക്കാരായിട്ടുണ്ട്. ഈ നിലയിൽ നോക്കുമ്പോൾ യഥാർത്ഥത്തിൽ ആഹാരത്തിനുപോലും മാർഗ്ഗമില്ലാതെ കഷ്ടപ്പെടുന്ന ഒരുകൂട്ടം കടക്കാരാണ് ഇന്നു തിരുവിതാംകൂറിൽ അധികമായിട്ടുള്ളതു്. അങ്ങനെയുള്ള കടക്കാർക്കു ഇന്നത്തെ ബില്ലുകൊണ്ടോ കൺസിലിയേഷൻ ബോഡുകൊണ്ടോ എന്തെങ്കിലും പ്രയോജനം ഉണ്ടോ ഇല്ലയോ എന്നാണ് നാം ആലോചിക്കേണ്ടതു.

കിടക്കുന്നതിനുള്ള യാതൊരു സൌകര്യങ്ങളും ഇല്ലാതെയും ജീവിക്കുന്നതിനുള്ള മററു മാർഗ്ഗങ്ങൾ യാതൊന്നും ഇല്ലാതെയും അലഞ്ഞു തിരിയുന്നവർക്കുകൂടി ഈ കൺസിലിയേഷൻ ബോർഡ് ഉപകാരപ്രദമായിതീരുമെന്നുണ്ടെങ്കിൽ ഈ ബില്ല് എങ്ങനെയെങ്കിലും പാസാക്കേണ്ടതു അത്യന്താപേക്ഷിതമാണെന്നാണ് എന്റെ അഭിപ്രായം. ഈ കൺസിലിയേഷൻ ബോർഡ് അത്ര വളരെ പ്രയോജനകരമായ ഒന്നായി തീരുകയില്ലെന്ന് ഏതാനും ചിലർ അഭിപ്രായപ്പെടുന്നുണ്ടായിരിക്കാം. കൺസിലിയേഷൻ ബോർഡിന്റെ മുമ്പാകെ തങ്ങളുടെ കേസുകളുമായി വരാൻ അഭിമാനം സമ്മതിക്കാത്ത ചിലരുണ്ടായിരിക്കാനുംമതി. അങ്ങനെയുള്ളവർക്ക് കടംകൊടുത്തു തീർക്കുന്നതിനുള്ള പ്രാപ്തിയും ഉണ്ടായിരിക്കും. എന്നാൽ കടം കൊടുക്കാതിരിക്കണമെന്നുള്ള ഒരു ഉദ്ദേശമുണ്ടെന്നുള്ളതുകൊണ്ടുമാത്രമാണ് ഒരു കൂട്ടർ ഈ ബില്ലിനെ എതിർക്കുന്നതെന്നുള്ളതിനു സംശയമില്ല. സാധാരണ കടക്കാർക്ക്, ഈ കൺസിലിയേഷൻ ബോർഡിനെ അഭയം പ്രാപിക്കുന്നപക്ഷം, അവന്റെ കഴിവുകൾക്കനുസരണമായ ആശ്വാസം അവനു ലഭിക്കാനുള്ള വഴി, ഈ ബില്ലിലുണ്ടെന്നാണ് ഞാൻ വിചാരിക്കുന്നതു്. കടം വീട്ടുന്നതിൽ ഇന്നു അധികംപേരും വിഷമിക്കുന്നതു പ്രധാനമായി ഭൂമിയുടെ വിലക്കുറവുകൊണ്ടാണ്. ഈ ബില്ലനുസരിച്ച് പലിശനിരക്കു കുറഞ്ഞതോടുകൂടി ഭൂമിയുടെ വില കൂടാതിരിക്കയില്ല. അപ്പോൾ കടംവീട്ടുന്നതിനുള്ള വിഷമം കുറയുകയും ചെയ്യും. ആ നിലയിൽ പണം കിട്ടേണ്ടവന് കിട്ടുന്നതിനും കൊടുക്കേണ്ടവന് കൊടുക്കുന്നതിനുമുള്ള സൌകര്യങ്ങൾ ഉണ്ടാകുകയും ചെയ്യുമല്ലോ.

ചില മെമ്പറന്മാർ ഇവിടെ ചിട്ടിക്കാരെപ്പററി സംസാരിക്കയുണ്ടായി. സാധാരണയായി ഇരുപതുമുതൽ ഇരുപത്തഞ്ചുവരെ തവണകൾ വച്ചിട്ടുള്ള ചിട്ടികളാണ് ഇവിടെ അധികമായുള്ളത്. ചിററാളന്മാർ ഈ ഗഡുവുകൾതോറും പണം അടച്ചും വരുന്നുണ്ട്. ചിട്ടി പിടിച്ചു പണം കൊടുക്കുവാനുള്ളവർക്ക് ആ നിലയിൽ പണം ഒന്നാകെ കൊടുത്തുംവരുന്നുണ്ട്. അതിനാൽ ഈ നടപടികൾ ചിട്ടിക്കാർക്കു വലിയ ഉപദ്രവം ഉണ്ടാക്കിത്തീർക്കുമെന്നു ഞാൻ വിചാരിക്കുന്നില്ല.

ഏതുനിലയിൽ നോക്കിയാലും ഈ ബില്ല് തിരുവിതാംകൂറിന്റെ ഇന്നത്തെ നിലക്ക് അല്പസ്വല്പമായ ആശ്വാസമെങ്കിലും എല്ലാ ജനവിഭാഗത്തിനും ഉണ്ടാക്കിത്തീർക്കുമെന്നു ഞാൻ വിശ്വസിക്കുന്നു. അതുകൊണ്ട് ഈ നിലയിലെങ്കിലും ഈ ബില്ല പാസ്സാക്കി കാണമെന്നു ഞാൻ ആഗ്രഹിക്കുന്നു. എന്നാൽ ഈ ബില്ല പാസ്സായതുകൊണ്ടു കർഷകർക്ക് എല്ലാത്തരത്തിലുമുള്ള രക്ഷകളും കിട്ടിപ്പോയി എന്നു ഗവൺമെന്റ് വിചാരിക്കരുതെന്നപേക്ഷയുണ്ട്. കഷ്ടപ്പെട്ടുകൊണ്ടിരിക്കുന്ന കർഷകരെ ഋണബാധ്യതയിൽനിന്നും ഒഴിക്കുന്നതിനുള്ള എല്ലാ സഹായങ്ങളും ഗവൺമെന്റ് മേലും ചെയ്തുകൊണ്ടിരിക്കണമെന്നാണ് എനിക്കു ഗവൺമെന്റിനോട് അവസാനമായി പറയാനുള്ളത്.

Mr. M. Govindan: Sir, I would be failing in my duty if I do not add a few words in respect of this Bill which I consider to be one of great importance to the country. The agricultural indebtedness is a serious problem in this country. It has been felt to be a serious problem for some years back. With the economic depression and the phenomenal fall in the price of agricultural produce the problem assumed an acuteness which nobody could overlook. In fact it was some four or five years since Mr. K. V. Joseph of Kanjirapally, one of the leading agriculturists in North Travancore, had led an agitation which focussed attention on this problem and a strong committee was constituted by Government to find a solution for the same In fact we cannot think of any Committee stronger than the one constituted by the Government in recent times than this Committee. One of the ablest officers of great experience was appointed as chairman and legal talent was not wanting. Our distinguished Law Member—my friend here was objecting to that expression and was pointing out that he was only Additional Head Sirkar Vakil—my friend Mr. Kayalam Paramesvaran Pillai was a member of that Committee and the Secretary Mr. M. O. Varghese was a young man who had served on several Committees. He was also an able Secretary. The result was that they made extensive investigation and submitted a report containing valuable

[Mr. M. Govindan.

recommendations which were the basis of the Bill that has been introduced into the Assembly and which has been passed by that House and placed before us.

I resorted to give an account of this Bill just to make my friends on this side of the House to specially understand that this is not a private Bill that was passed by the other House. My friend, the member representing commerce, was pointing out that the Law Member had objection to the Bill with the identical provisions when it was introduced in the lower House once. Mr. T. P. Velayudhan Pillay's Bill was opposed by the Law Member. But the conditions were different. That Bill was a non-official Bill. He could not guarantee to liquidate the debts from the State Aided Bank. But when the Bill is introduced from Government side the conditions are different. Government can undertake to finance with a view to liquidate the debts by loans from the Land Mortgage Bank.

Mr. S. Piraviperumal Pillai: On a word of personal explanation. I never said that the Law Member objected to it. All that I said, was that it is on the very same principles on which the Law Member objected when a similar Bill was introduced, that I raise my objections.

Mr. M. Govindan: I believe I have said only as much as my friend admitted. That alone was wanted from him and yet I say that there is difference between the two Bills for this reason. The objections raised against a Bill introduced by a non-official member cannot be found against a Bill introduced by the Government.

Mr. M. N. Paramesvaran Pillai: May I know what those objections are?

Mr M. Govindan: I believe, I have already answered that question. There is no guarantee given for financing with a view to liquidate the debts and afford relief.

Mr. K. P. Nilakanta Pillai (*Chirayinkil cum Nedumangad*): May I know whether there is such a guarantee under this present Bill?

Mr. M. Govindan: I think in the speech delivered by the Law Member there was an undertaking that there would be a linking together of the Land Mortgage Bank with the provisions of this Bill.

Mr. M. N. Paramesvaran Pillai; Apart from his speech, is there anything to that effect in the Bill?

Mr. M Govindan: Now I am supporting the general principle of the Bill. Any amendment of the kind would be ready acceptable to the other side. That will be seen from the speech delivered by the Law Member. All that we want is relief. It is no use

discussing the details of the Bill at this stage. If any member has any serious objection to any particular provision it will be time for him to point out that when the provisions come up for discussion separately. Here we are concerned only with the principle of the Bill. In respect of the general principle what I say is that this is a measure of relief. Nobody can deny that. I cannot pretend that it is a perfect Bill and I am sure we will have discovered the imperfections in the Bill. In a Bill which attempts at arriving at a compromise between the creditors and the debtors it is not possible to have recommendations which will be satisfactory from all points of view. In fact, if it was not—some honourable members said it was not satisfactory either to the creditors or to the debtors—if it was not so satisfactory, I submit that it is a very good test of the fairness of the Bill. Where two parties are ranged on opposite sides and fighting like cats, a compromise which, though not acceptable to either, could be forced on them, is the best that can be given. If it satisfies one party alone then it is a partial compromise. The test of impartiality is that it is not acceptable to either. Sir, that is a common sense way of looking at things.

I have only one request to make to this House. That this is an important measure will be admitted by all. The necessity for such a measure is even admitted by the adversaries of this Bill. The best way that we can treat this Bill at this stage is to cut short discussions in detail about the provisions contained in the Bill. After all we want to see that the agriculturist is benefited and we must look at it in detail with this point in view and to see what amendments we can make. With these observations I support the Bill.

Mr. V. S. Arumukham Pillai: (*Tovala* cum *Agastisvaram*): I also rise to support the motion before the House. In supporting the motion I beg to offer a few observations. Sir, it is a matter for great congratulation that the Government have at last realised their responsibility in the matter, have at last recognised and accepted the principle that on the strength of the agricultural class depends the strength of the State. Now, Sir, the agriculturists as a class have been threatened with extinction. They are passing through a period of crisis unparalleled and unheard of during the last six years, a crisis which still continues unabated. My friend Mr. G. Narayana Aiyar said in his speech that the condition of the agriculturists is also slightly improving. I may submit that does not apply to the paddy cultivators, for the price of paddy still remains on the very same low level. And my friend Mr. Narayana Aiyar has entirely neglected the condition of the paddy growers. Now whatever that be, the condition remains the same and the agriculturist is in need of protection from the State. Therefore I

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congratulate Government for accepting the principle underlying the Bill. Now, Sir, how is the State to intervene in the matter of protecting the agriculturist? It has been stated by my friends that it is not proper for the Government to interfere with the contractual rights and liabilities and that by the passing of the Bill the equilibrium will be upset. I don't see, Sir, how the equilibrium will be upset, because the equilibrium has already been upset. Sir, it is an admitted fact that the agriculturist is in no way responsible for his present indebtedness. The agriculturists have not contributed anything to the present economic depression. Sir, this is an extraordinary situation and this extraordinary situation should be met by extraordinary remedies. The real cause for the heavy debt of the agriculturists is the fall in the price of agricultural products and the consequent decrease in the price of land. For these, the agriculturist is not responsible. On the other hand by this extraordinary circumstance the money lenders are the real gainers. And therefore, for those who argue that the Government are not justified in interfering with the contractual rights and obligations of individuals I have got a solution to suggest. I ask Government, if the creditors are very strong and insist upon Government not to interfere with their contractual rights and liabilities, why not Government at one stroke of the pen lighten the burden of the ryots by doing away with the tax and compensate that amount by levying it on the creditors who have gained unlawfully at the cost of poor cultivators? Sir, that it interferes with contractual rights and liabilities of individuals is no ground for argument. The question is, how to save those who are ruined by causes which have been brought about by circumstances over which nobody has any control.

Then with regard to the point that the equilibrium will be upset. The equilibrium has already been upset and by the provisions of the Bill Government are only seeking to restore the equilibrium which has been upset and it is the duty of Government and it is in the interest of good administration and it is in the interest of safety and tranquility of the State, that Government should restore that equilibruim which has been upset. Sir, I beg to draw the attention of the House to some other important matters in connection with the relief of agriculturists. One of the important measures of relief afforded in certain Provinces in British India is a reduction of land revenue. Sir, that is the most important relief and that finds no place here because that question does not affect any part of the State except the constituency which I have the misfortune to represent. Sir, I think it will be out of place to give an account of the real conditions of the agriculturists there. The taxation in Nanjinad is the maximum realised *i. e.*, Rs. 35 per acre which does not obtain anywhere in the whole of the civilized world. At this rate of

Rs. 35 taxed, how can the poor cultivators get on without running into debt ? So far as my constituency is concerned, the tax levied by Government is abnormally excessive and that is the chief cause of the indebtedness of the people there. The agriculturists of Nanjinad have not incurred debts by sending their children to England or by giving them any costly education or by spending money on luxuries. The chief reasons for the indebtedness is the heavy taxation. I may also advance one argument, which is the main argument advanced by Government in interfering with the contractual rights and liabilities of individuals, *i. e.*, the price of agricultural products have fallen and land has decreased in value due to unforeseen circumstances which are beyond the control of the people. The very same argument will hold good in the case of Government also ; namely the burden of land revenue has increased owing to a fall in the price of the agricultural products and to the consequent decrease in the value of land. With regard to Nanjinad, therefore, if any relief is to be extended to the agriculturists, it must be by reducing the rate of tax.

Now, Sir, I come to the next point with regard to the exemption of co-operative societies from the operation of this Bill. Next to Government, co-operative societies are the greatest creditors so far as the real agriculturists are concerned. During the last few years, it is these co-operative societies that have been advancing money to the agriculturists. The practice with regard to the co-operative societies—Sir, I speak from my own bitter experience—that they are very hard and more exacting than the ordinary creditors. I have been working in a co-operative society and I know as a matter of fact that the debtor is forced to pay four times the amount that he has borrowed. They have got an additional item of interest known as penal interest. If a member commits default and takes time to pay the amount he has to pay three or four times the principal. That is the case. I don't find any justification therefore in exempting co-operative societies from the operations of this Bill. Without touching upon the question of heavy taxation and by exempting these co-operative societies so far as the paddy cultivators of my constituency are concerned, there is no adequate relief for the agriculturists. Still, Sir, I accept the principle of the Bill, because the principle that has been recognised is that the agriculturists must be afforded relief. It is for that alone that I accept the principle of the Bill. Another important relief provided in other places in British India is the expansion of the activities of the Land Mortgage Bank. The Bill is very conspicuous by the absence of any such facility for getting loans from the Land Mortgage Bank. At least the Conciliation Officer must be in a position to negotiate for loans from the Land Mortgage Bank. Now the real agriculturists are in no way benefited by these Banks. If

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any question is asked with regard to this, they say that the agriculturists do not apply. It is not so, Sir. There are many other impediments. Even if they apply they will not get loans. If the Conciliation Officer is in a position to negotiate loans through the Land Mortgage Banks the real agriculturists would be benefited. With these words I support the principle of the Bill and the motion before the House.

Mr. K. P. Nilakanta Pillai: Sir, This House has been engaged for two days in digesting a big paradox. The one point that has emerged very clear from the discussions is that this Bill is wanted by no one, neither by the creditor on the one hand nor by the debtor on the other. Member after member stressed this point but at the same time they wanted this Bill to be accepted by this House. That is a paradox too hard for me to digest.

Sir, this House has to accept this Bill not because it is convinced by the provisions in this Bill, not because this House is convinced by the arguments advanced by the learned Law Member, but because of the inability, the inherent inability of this House to upset the decision arrived at by the other House regarding it, Sir, this House is also aware of the mild threat occasionally resorted to by the learned Law Member when he wanted a particular measure to be accepted by this House. The history of the Bills pioneered by the Law Member through the reformed Legislature will bear testimony to this.

Sir, many important committees were appointed by Government from time to time and the reports of those committees were placed before this House and the other for discussion, so that the Government may be enabled to know the views of the Legislature. Of course, there were occasions when after hearing the discussions in the Legislature, Government got more and more bewildered, so that they could not come to a definite conclusion. I am honest enough to admit to a certain extent the truth of the above, but so far as this Bill is concerned, there cannot be that accusation levelled against this and the other House. The issues were made as simple and clear as could be, so far as the discussion of the Report of the Agricultural Debt Redemption Committee was concerned. But the learned Law Member has earned a fame or rather notoriety in making a simple matter highly complicated. So, at last by tiring the House and making the discussion unnecessarily prolonged, the House in a spirit of detachment is made to accept the Bill. Sir, it is very unfortunate that I had to level that charge against the Law Member.

Sir, when the report of the Committee and its recommendations which form the basis of this Bill were being discussed, I have made the issues clear, *viz.*, that the interest has to be reduced from 1105, the capital of the transactions after 1105 has also to be reduced and the real agriculturist debtors who are unable to pay their debts should be free from arrest and detention in civil prison. And the interest in future also has to be reduced to 5 per cent. In order that the main issue is not complicated further, I am not going to be troubled by the various provisions of this Bill at this stage. Now I ask, are these not the issues settled by this Bill? When the original Bill was adopted by the other House, on account of an amendment which the lower House carried, the Law Member thought it fit to withhold that Bill from the third reading and this House never saw it. The important arguments of the Law Member were that retrospective effect should not be given to any provision, and that the sanctity of contracts should be respected. Then he argued that these principles were violated by the amendment and so he could not present it for the third reading. In all humbleness, I ask whether the very same principles are not sacrificed by the present Bill. Is not retrospective effect expected to be given by the provisions of this Bill so far as interest and transactions after 1105 are concerned? I ask again, are not sanctity of contracts attempted to be violated by the provisions of this Bill? Again, with regard to the question of freedom from arrest of the agricultural debtors, is there not a similar provision in this Bill? If all these are conceded, I think that the present Bill has been unnecessarily complicated so that what is given by the right hand with a good intention is attempted to be taken away by the left hand.

This cumbrous machinery is not going to work and I am very sorry that the poor agriculturist debtors of the country who expect a good deal soon after this Bill is passed into law, will not in any way be relieved by the provisions of this Bill. After hearing well the interpretations of the Law Member regarding safeguards in the Bill so that the Conciliation Boards may not be able to stay the decree of a civil court, I ask one question whether the decrees obtained hitherto and the amounts covered by those decrees will not come up for adjustment one way or the other by the Conciliation Boards. That is one aspect of the question. If the conciliation fails, the creditor is to take the order to the civil court for adjudication or execution and we know what would be the result of that procedure. If conciliation could not be effected the parties are directed to go and put the whole matter before the civil court. In any case, we cannot lose sight of the civil courts and without resorting to the civil courts nothing could be achieved under the provisions of this Bill.

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For whose sake is this Bill pioneered? That is what I cannot understand. It is an unwanted Bill. The creditors do not want the Bill; the debtors do not want it. So, my friend Mr. Govindan would say that it is an impartial Bill which the House has to accept. It is a paradox to me. If this Bill is not wanted by anybody, for whose sake should this House pass it into Law? Of course one may have a partiality for any thing cooked in his own kitchen, but he is not expected to consume the whole thing that is served. If this Bill has been considered somewhere else and if some wanted it, why should this House accept it? This Bill could as well be reduced to three clauses and I was advocating that from the very beginning. And they could be given immediate effect from next day. Reduce the interest from 1105 to 5 or 6 per cent, reduce the capital of the transactions after 1105 by 25 or 35 per cent, and reduce the rate of future interest. If these three provisions could be enacted it would go far ahead than the provisions of this Bill and would give immediate relief to the agriculturist.

Mr. Kayalam Paramesvaran Pillai: If all the debts are to be wiped out, will not one clause be sufficient.

Mr. K. P. Nilakanta Pillai: I would like to suggest that: But the time is not ripe for that. I would have recommended a sort of national socialism, but the time has not come for that. Nevertheless, it is a kind of economic socialism attempted, though not directly but indirectly, by this Bill, of course, with all the quibbles and subtleties which the Law Member is capable of.

Again it is a simple matter to allow an agriculturist debtor to quit the land if he cannot pay his debt. But the Law Member will not allow even that. He says "give security in men or property before you quit the country." What a benevolent measure? The object for which we were fighting for was that an honest attempt should be made to relieve the debtors. But now, we have not gone any way farther than the provisions of the Civil Procedure Code and the Insolvency Regulation. Sir, under the existing state of affairs by the mere presentation of an application a debtor can get a stay order from being sent to the prison. But under the provisions of this Bill, he has to satisfy eight conditions before an order for sending him to prison could be stayed.

Mr. Kayalam Paramesvaran Pillai: Is this Civil Procedure Code provision still available to everybody?

Mr. K. P. Nilakanta Pillai: That is again another tactics (laughter). When I am dealing with fundamentals, the question whether the provision in the Civil Procedure Code is available to all will only make me digress. I am being side-tracked,

Mr. Kayalam Paramesvaran Pillai: My question is, if the provision with regard to arrest is contained in the Civil Procedure Code, does everybody take objection to the provision in this Bill?

Mr. K. P. Nilakanta Pillai: Under this Bill that is what the real agriculturist debtors are going to be denied. This machinery will not work. This is acceptable only to those who follow the maxim of Louis XVI "after me the deluge". This Bill is intended for a set of people who have been carrying on an agitation well-known to us. If they could secure some temporary relief, "let inundation come after." The fact that Conciliation Officers are not to be given to the whole of Travancore strengthens my point. We are expected to deal with this Bill from the point of view of the agriculturist throughout the State. Government may say that it will not be possible financially or otherwise to appoint Conciliation Officers all over the country, but they may try half a dozen as an experimental measure. We can more or less anticipate where the Boards would be set up and what the Conciliation Officers are going to be. I warn this House that this is not going to help the rea agriculturist or the real agricultural debtors in Travancore.

Mr. Kayalam Paramesvaran Pillai: Will conciliation help the real agriculturist debtors?

Mr. K. P. Nilakanta Pillai: Yes. That is exactly what I remember to have said.

Mr. Kayalam Paramesvaran Pillai: Hear, hear.

Mr. K. P. Nilakanta Pillai: It is not a matter in which the Law Member has scored. I am adding the next sentence. It would help the agricultural debtors if Conciliation Officers are appointed throughout the State. (Hear, hear). If these officers are sparingly appointed, to whom will the officers be available readily? The poor peasants living on husbandry or agricultural operations will not be saved, but it will help those who have been speculating. Unfortunately, the committee appointed have not ascertained the average debt of the agriculturist. That is not available in this Bill also and the proposal to appoint half a dozen Conciliation Officers are not going to help the grievances of the real agricultural debtor in any way. Then again, I was advocating that even Government should be very lenient in this matter. Many members advocated for the establishment of a Land Mortgage Bank. When the debt is conciliated the creditors must be given ready money or some such easy means of realising the conciliated amount. But nothing of that kind has been done. Even in the Land Mortgage Bank—there it is Government money—they charge 6½ per cent. interest. This Bill proposes to reduce the interest by 6 per cent. Outside, in British India, the interest charged by the Land Mortgage Bank ranges from

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$2\frac{1}{2}$ to $4\frac{1}{4}$ per cent. Here it is $6\frac{1}{2}$ per cent. How is the activity of the Land Mortgage Bank going to be exploited under the provisions of this Bill? There is not a word as to how the Government will be able to finance the Land Mortgage Bank hereafter so as to meet the demands of the conciliatory decision. Nothing is provided for in the Bill. Therefore all these taken together, the cumulative effect of this Bill for the coming three or four years, is that the debtors and creditors must be driven against each other. I warn this House and I take this opportunity to make the real agriculturists understand that this Bill is not going to help them in any way. With those observations I support the Bill.

Mr. N. K. Padmanabha Pillai : സർ, ഞാൻ ഈ ബില്ലിനെ പിൻതാങ്ങുന്നു. എന്നാൽ അതിൻെറ തത്വത്തോടനുകൂലിക്കുന്നില്ല. കഴിഞ്ഞ ഏഴുകൊല്ലക്കാലമായി, സാമ്പത്തികാധഃപതനത്താൽ ഒന്നിനൊന്നു കൂടുതലായി വിഷമതകളും ദുരിതങ്ങളും അനുഭവിച്ചുകൊണ്ടിരിക്കുന്ന കർഷകജനങ്ങൾ, എങ്ങനെയാണു് തങ്ങൾ ഇവയിൽനിന്നെല്ലാം വിമുക്തരാകുന്നതെന്നുള്ള ഉൽകണ്ഠയോടുകൂടിയിരിക്കുകയാണു്. കർഷകരെ ആശ്വസിപ്പിക്കുന്നതിനുള്ള ഒരു ബില്ലു് ഇവിടെ ഹാജരാക്കുന്നുണ്ടെന്നും അതുകൊണ്ടു തങ്ങൾക്കു് എന്തെങ്കിലും ഗുണങ്ങൾ സിദ്ധിക്കുമെന്നും അവർ ആശിച്ചുകൊണ്ടിരിക്കുകയുമാണു്. ബില്ലു പാസാകുന്നതുവരെ ദിവസങ്ങൾ അവർ എണ്ണി എണ്ണി കഴിച്ചുകൊണ്ടു് വരികയുമാണു്. എന്നാൽ ഈ ബില്ലു പാസാകുന്നപക്ഷം ഉത്തമർണ്ണന്മാർ ക്ഷോഭിക്കും എന്നു ഒരു വർത്തമാനം ഇതിനകം പരന്നു. അതുകൊണ്ടു് പല കുഴപ്പങ്ങളും ഈ ബില്ലിൽ വരുത്തിയിട്ടുണ്ടു. ബാങ്കറന്മാർ, നല്ല കാലം ഉണ്ടായിരുന്ന കാലത്തും പല വിധത്തിലും ഈ സാധുക്കളായ കർഷകരുടെ അടുക്കൽനിന്നും പണം ധാരാളം അക്രമമായി അപഹരിച്ചെടുത്തിട്ടുണ്ടെന്നാണു ജനങ്ങളുടെ ബോദ്ധ്യം. അങ്ങനെയിരിക്കെ, സാമ്പത്തികാധഃപതനംകൊണ്ടു് കഷ്ടപ്പെടുന്ന ഈ സന്ദർഭത്തിൽ സാധുക്കളായ ഈ കർഷകരോടു്, അവർ കടം എടുത്തിരിക്കുന്നതിനാൽ ബാങ്കറന്മാരോടു് വളരെ അധികം കടപ്പെട്ടിരിക്കുന്ന ഇവരോടു് എന്തെങ്കിലും ആനുകൂല്യങ്ങൾ കാണിക്കേണ്ടതല്ലയോ? അതുതന്നെയുമല്ല, ഈ ബില്ലു പാസാകുന്നപക്ഷം നാട്ടിൻെറ ക്രഡിറ്റു നഷ്ടപ്പെട്ടുപോകുമെന്നും ഇനി ആരും ആർക്കും കടം കൊടുക്കുകയില്ലെന്നും ഉള്ള ഒരു വർത്തമാനവും അവർ പറഞ്ഞു പരത്തുന്നുണ്ടു.

തന്നിമിത്തം ജനങ്ങൾക്കു് വളരെ സങ്കടത്തിനും വഴിയായിത്തീർന്നിട്ടുണ്ടു. ഇതിനെല്ലാത്തിനും ഒരു പരിഹാരമുണ്ടാക്കണമെന്നു വാചാ

രിച്ചാണു ഈ ബില്ല ഇവിടെ കൊണ്ടുവന്നിട്ടുള്ളതു്. ബുദ്ധിമാന്മാരും യോഗ്യന്മാരുമായ മി. കെ. ജാർജിനെപ്പോലെയുള്ള ഉദ്യോഗസ്ഥന്മാര അടങ്ങിയ ഒരു കമ്മിററി നാട്ടിൻെറ നാനാഭാഗങ്ങളിലും സഞ്ചരിച്ചു വേണ്ട അറിവുകളെല്ലാം ശേഖരിച്ചു ചെയ്തിട്ടുള്ള ന്യായമായ ശുപാശ്കളിൽ കാണുന്ന സംഗതികൾപോലും ഈ ബില്ലിൽ സ്വീകരിക്കാതിരിക്കുന്നതു എന്തുകൊണ്ടാണെന്ന് എനിക്കു മനസ്സിലാകുന്നില്ല. എങ്കിലും ഈ രൂപത്തിലെങ്കിലും ഈ ബിൽ ഇവിടെ അവതരിപ്പിക്കാൻ മനസ്സുണ്ടായതിൽ ഞാൻ ഗവർമെൻറിനെ അഭിനന്ദിച്ചുകൊള്ളുന്നു.

പലിശ കുറക്കേണ്ടതാണ്. സാമ്പത്തികാധഃപതനംനിമിത്തം കഷ്ടത അനുഭവിക്കാൻ തുടങ്ങിയ ൧ ൦ ൭ മുതൽക്കുള്ള പലിശ കുറവു ചെയ്യണമെന്നാണ് കമ്മററിക്കാർ ശുപാൽ ചെയ്തിരുന്നതു്. അതു ചെയ്യണമെന്നുതന്നെയാണ് ഞാനും ഗവർമെൻറിനെ ഉൽബോധിപ്പിക്കുന്നതു്.

കൺസിലിയേഷൻ ബോർഡ് ഒരൊററ ആഫീസറിൽതന്നെ വച്ചുകൊണ്ടിരിക്കുന്നതു ശരിയാണെന്നു തോന്നുന്നില്ല. തന്നിമിത്തം വലിയ അനീതികളും അഴിമതികളും ഉണ്ടാകുകയില്ലെ എന്നു സംശയമുണ്ടു്. മൂന്നു മെമ്പറന്മാർ അടങ്ങിയ ഒരു ബോർഡു് ഉണ്ടായിരിക്കണമെന്നാണ് കമ്മിററി ശുപാർശ ചെയ്തതു്. ചുരുങ്ങിയതു് രണ്ടുപേരെങ്കിലും—ഒന്നു് ഉദ്യോഗസ്ഥനും മറെറാന്നു് അനുദ്യോഗസ്ഥനും—ഉള്ള ഒരു ബോർഡു് ഉണ്ടായിരിക്കുന്നതു നന്നായിരിക്കും. അങ്ങനെയുള്ള ബോർഡുകൾതന്നെ ഏതാനും സ്ഥലങ്ങളിൽമാത്രം ഏർപ്പെടുത്തണമെന്നാണ് ഇപ്പോൾ നിശ്ചയിച്ചിരിക്കുന്നതു്. അതുകൊണ്ടു് യാതൊരു ഗുണവുമില്ല. ഏതാനുംപേക്കു ആശ്വാസം ലഭിക്കുമ്പോൾ മററുള്ളവക്കു യാതൊന്നും ലഭിക്കുകയില്ല എന്നു വരുത്തുന്നതു ഒട്ടുംതന്നെ ആശാസ്യമായിരിക്കുന്നില്ല. എൻെറ അഭിപ്രായത്തിൽ എല്ലാ കടക്കാരെയും ഉൾപ്പെടുത്തത്തക്കവിധത്തിൽ ഒരു ബില്ലവതരിപ്പിക്കുകയും പലിശ ൧ ൦ ൭ മുതൽക്കു കുറവു ചെയ്യുകയും കൺസിലിയേഷൻ ബോർഡിൽ കൂടുതൽ മെമ്പാന്മാരെ ഉൾപ്പെടുത്തുകയും ചെയ്യണം.

തവണകളായി പണം അടയ്ക്കുന്നതിനു് സിവിൾ പ്രൊസീഡിയർ കോഡിൽ—പലിശയെ സംബന്ധിച്ചു ഒരു വ്യവസ്ഥയും ചെയ്തിട്ടില്ലെങ്കിലും—വാറണ്ടിൽ പിടിച്ചുകൊണ്ടു വരുന്നസമയം കടക്കാരൻ പണം തവണയായി കെട്ടിവയ്ക്കാമെന്നു സമ്മതിച്ചാൽ അവനെ വിട്ടേക്കണമെന്നു വ്യവസ്ഥ ചെയ്തിട്ടുണ്ടു്. ഈമാതിരി ഒരു ബില്ല കൊണ്ടു വരുന്നതിൽഭേദം അവധി കൊടുക്കുന്നതിനും വാറണ്ടിൽ വയ്ക്കുന്നതിനും മററും

[Mr. N. K. Padmanabha Pillai.]

പ്രത്യേകം പ്രത്യേകം അധികാരങ്ങൾ മുൻസിഫന്മാർക്കും ജഡ്ജിമാർക്കും കൊടുക്കുക എന്നുള്ളതാണ്. വാറണ്ടിൽ പിടിക്കുന്നതിൽനിന്നും ജനങ്ങളെ ഒഴിവാക്കണമെന്നാണ് എന്റെ അഭിപ്രായം. ഒന്നുമില്ലാത്തതിൽഭേദമാണല്ലോ ഈ ബില്ല്, എന്നു കരുതി ഇതു പാസാക്കണമെന്നു ഞാൻ അഭിപ്രായപ്പെടുന്നു.

Mr. K. N. Kesavan Namputiripad (*Jenmis*) : Sir, I will be failing in my duty if I do not make my observations on certain provisions of the Bill which are injurious to the interests of the jenmis. I do not go so far as to say that no relief is necessary to the agriculturist. I do not think that there will be anybody to say that no relief is necessary to real agriculturists, who are groaning under the economic depression. But the question is whether the present Bill as presented by the Government will give adequate relief to the agriculturist. Many of the members here representing the view points of the creditors have stated that it is revolutionary and it will affect the credit of the country and some other members who are presenting the view points of the debtors stated that this Bill is quite inadequate and will not give sufficient relief to the agriculturist. Therefore it is clear, that the Bill as presented by the Government, is quite inadequate and insufficient to meet the demands of the people. Now I wish to point out some of the defects of the Bill. As many members have pointed out, the definitions of the terms 'agriculturist' and I debts' are very defective. In the definition of the word 'agriculturist', anybody may be brought in. If it is the intention of the Government to give relief to the real agricultural debtors, the definition has to be made so as to suit only real agriculturists; but here it is very wide and vague. Similarly the definition of the word 'debtor' is also very widei There is scope in the definition to do much injury to the Jenmis.

Mr. M. N. Paramesvaran Pillai : May I know from the honourable member how the jenmis would be affected if the dues are collected under the Revenue Recovery Regulation like taxes that are being now collected ?

Mr. K. N. Kesavan Namputiripad : Government have not yet begun to collect taxes for the jenmis. It will take some more time for the Government to take up the collections.

Then I must point out another defect which will cause much hardship to the jenmis. Some jenmis have to get the kanapattom from a large number of tenants, say, a thousand or two thousand and if these tenants file petitions before the Conciliation Officers the jenmis will have to go to these Boards and appear in several cases simultaneously. That will do much hardship to the jenmis.

No pecuniary limit is prescribed in the jurisdiction of the Board. A debt of ten thousand rupees and a debt of Rs. 10 are equally dealt with before the Conciliation Board. Some pecuniary limit ought to have been prescribed. Then, since the Government say that it is only an experimental measure and since we are not sure of the success of the measure, the Conciliation Boards to be established should be as limited as possible in number. If it is found successful, the number of Boards may be increased. But since the Government are not aware of the success it may be established in one or two places.

It is generally admitted that the present value of land is very low and the only method of enhancing the value of the land is to reduce the future interest. It is true that the Bill makes provision to reduce the future interest; that it is only temporary. I wish that interest may be reduced once for all so that the land value may be enhanced and the land owners and agriculturists may be thus denefited. With these few words I oppose the Bill.

Mr. A. N. Visvanatha Pillai: സർ, ഇതൊരു കർഷകരാജ്യമാണ്. ഉല്പന്നങ്ങൾക്കു വിലകുറഞ്ഞുതുടങ്ങിയതോടുകൂടി കർഷകന്റെ കഷ്ടതകൾ വർദ്ധിക്കുവാൻ തുടങ്ങി. ഇങ്ങനെ വർഷങ്ങൾ പലതു കഴിഞ്ഞു. കർഷകരും അവരുടെ പ്രതിനിധികളും പലതവണ ഗവണ്മെന്റിനെ ഈ വിവരങ്ങൾ ധരിപ്പിച്ചു. ഇതിന്റെയെല്ലാം ഫലമായി രണ്ടുവർഷങ്ങൾക്കുമുമ്പു ഗവണ്മെന്റിൽനിന്നും ഒരു കമ്മററിയെ നിയമിച്ചു. അതിൽ നാലു ഉദ്യോഗസ്ഥന്മാരും മൂന്ന് അനുദ്യോഗസ്ഥന്മാരും ഉൾപ്പെട്ടിരുന്നു. ഇവരിൽ ഉദ്യോഗസ്ഥമെമ്പറന്മാരെല്ലാം ഗവണ്മെന്റിൽ വളരെക്കാലമായി ഉത്തരവാദിത്വമുള്ള പല ഉദ്യോഗങ്ങൾ വഹിച്ചിരുന്നവരും അനുദ്യോഗസ്ഥന്മാരിൽ ഭൂരിപക്ഷവും ജനപ്രതിനിധികളായി പലതവണ ഉത്തരവാദിത്വമുള്ള ജോലികൾ ശേഷിയോടുകൂടി നിറവേററിയിട്ടുള്ളവരുമാണ്. രാജ്യകാര്യങ്ങളിലും പൊതുകാര്യങ്ങളിലും ഇടപെട്ട് അനവധിനാളായികഴിയുന്ന ഇവർ നാട്ടിനേയും ജനങ്ങളേയും നല്ലപോലെ അടുത്തറിഞ്ഞ പരിചയപ്പെട്ടിട്ടുള്ളവരാണ്. ആ കമ്മററി നാട്ടിന്റെ എല്ലാഭാഗങ്ങളിലും സഞ്ചരിച്ച് ഈ പ്രശ്നത്തിന്റെ നാനാവശങ്ങളും പഠിച്ച് ഈ വിഷയത്തെക്കുറിച്ച് കൂലങ്കഷമായ ഒരു റിപ്പോർട്ടു തയാറാക്കി ഗവണ്മെന്റിനെ ഏല്പിച്ചു. പിന്നെയും ഒന്നരവർഷംകഴിഞ്ഞു അപ്പോൾ ഗവണ്മെന്റു നിയമസഭയുടെ താഴത്തെ മണ്ഡലത്തിൽ ഒരു ബിൽ അവതരിപ്പിച്ച് അതിന്റെ രണ്ടുവായനയും കഴിഞ്ഞു് മൂന്നാമത്തെ വായനയുടെ സമയമായപ്പോൾ ഗവണ്മെന്റ് ഒന്നു അറയ്ക്കുന്നതായി കാണപ്പെട്ടു. സന്ദർഭംകാത്തിരുന്ന പണ

[Mr. A. N. Visvanatha Pillai.]

ക്കാർ ഉടനെ ഇളകി. അവർ സ്വാധീനശക്തി പ്രയോഗിക്കാൻ തുടങ്ങിയെന്നൊരു വർത്തമാനം നാടെങ്ങും പരന്നു. അവർ മീററിംഗുകൾകൂടി; ഡെപ്യൂട്ടേഷൻ പോയി. ഇതെല്ലാംകണ്ട് കർഷകവൃന്ദത്തിൻെറയിടയിൽ പല തെററിദ്ധാരണകളുമുണ്ടായെങ്കിൽ അതിൽ അത്ഭുതപ്പെടുവാനൊന്നുമില്ല അവർ നിരാശപ്പെട്ടു. സംഖ്യയിൽ വളരെ കൂടുതലുള്ള കർഷകർക്കു സംഘടിക്കുന്നതിനുവേണ്ട സൌകര്യമൊ അറിവോ ഇല്ലെന്ന് മാത്രമല്ല അതിന് ധനപരമായ ശക്തിയും അവർക്കില്ല. പിന്നെയും മാസം ആറുകഴിഞ്ഞു. ഗവണ്മെൻറിതാ താഴത്തെസഭയിൽ ബില്ലിൻെറ മൂന്നാംവായന നടത്തിയശേഷം ഈ സഭയുടെ പരിഗണനയ്ക്കായി ബിൽ അവതരിക്കപ്പെട്ടിരിക്കുന്നു. ആദ്യം അവതരിപ്പിച്ചതിൽനിന്ന് പല മാററങ്ങളും സാരമായിവരുത്തിയാണ് ഇപ്പോൾ നമ്മുടെമുമ്പാകെയിരിക്കുന്ന ഈ ബിൽ അവതരിപ്പിച്ചിരിക്കുന്നതെന്ന് നാം മറക്കരുത്.

എനിക്കിതിനെപ്പററി രണ്ടുമൂന്നുകാര്യങ്ങൾ പറയുവാനുണ്ട്. ആദ്യമായി, ൧൧൦൬ മുതലുള്ള പലിശയിൽ കുറവുവരുത്തണമെന്നുള്ളതിനെപ്പററിയാണ് എനിക്കു പറയുവാനുള്ളത്. കാർഷികോല്പന്നങ്ങൾക്കു ഇപ്പോൾ വില കൂടുതലുണ്ടെന്നു ഒന്നോ രണ്ടോപേർ ഇവിടെ സംസാരിച്ചു. ഇതെന്നേ വാസ്തവത്തിൽ അത്ഭുതപരതന്ത്രനാക്കുന്നു. സർ, ഇതു വാസ്തവമല്ലെന്നു പ്രതിഷേധിക്കാതിരിപ്പാൻ എനിക്കു നിവർത്തിയില്ല. ൧൧൦൬ മുതൽ ഉല്പന്നങ്ങളുടെ വില കുറഞ്ഞിട്ടുണ്ടെന്നു കമ്മററിയുടെ റിപ്പോർട്ടിൽ ൧൩-ാം പുറം ഒന്നാംപാരാവിൽനിന്ന് കാണുവാൻ കഴിയും. അതിൽപറയുന്നതിങ്ങനെയാണ്.

"If we take the prices of the year 1101 as the base and compare with it the variations in prices during the last decade we get the following results :—

Fall in the pric of	copra	65	per cent
Do.	pepper	65	...
Do.	ginger	82	...
Do.	paddy	60	...
Do.	turmeric	74	...

൧൧൦൬ മുതൽ വസ്തുവിൻെറ വിലയിലും സാരമായ കുറവു സംഭവിച്ചിട്ടുണ്ട്. അതിനെപ്പററി റിപ്പോർട്ടിൻെറ ൧൯ ാംപുറം ഒന്നാം പാരാവിൽ ഇപ്രകാരം പറയുന്നു.

"The above figures show that the value of land rose steadily till 1104 (1928-29), but it began to decline from 1105 (1929-30) and has been steadily falling since. They further show that the value of wet land has fallen by about 50 per cent, that of garden land by about 16 per cent, and that of land in general by about 30 per cent".

കർഷകൻ പലിശയിൽ മുടക്കംവരുത്തിയതെന്നുമുതലാണെന്നുംകുടിശ്ശികകൾവർദ്ധിക്കുവാൻ കാരണമെന്തെന്നും റിപ്പോർട്ടിന്റെ ൩൨-ാം പാരാവിൽ നിന്നുകാണുവാൻ കഴിയുന്നതാണു. അതിങ്ങനെയാണ്".

"It is admitted on all hands that ever since the depression began, the interest charges have mostly remained unpaid and that at the present moment the burden of agricultural debt is largely the burden of accumulated arrears of interest. We have received overwhelming evidence that if real relief is to be brought to the agriculturist, substantial reduction should be made in the rates of interest applicablle to the period of depression."

കമ്മററി റിപ്പോർട്ടിന്റെ ൩൨-ാംപുറത്തു രണ്ടാംപാരാവിൽ ഇങ്ങനെപറയുന്നു.

"After giving the subject our most anxious and careful consideration, the Committee found that they were left with no alternative but to take the view that no proposal for the relief of agricultural debt would be adequate to meet the present situation if it did not include a reduction of the rate of interest yet remaining unpaid on past transactions, during the period of the depression. We do not deny the force of the objections which are urged against such a measure and no doubt such objections should prevail in normal times. But the present conditions are abnormal; the prices of commodities have gone down, the economic value of money has gone up and the returns on money investments are low and above all, a large class of people are likely to be dispossessed of their lands for no fault of theirs and on account of forces beyond their control. In these circumstances, the Committee consider that the State will be justified in enacting special measures in regard to interest charges which, we feel convinced, will afford the much-needed relief to a large class of people while it will not bring considerable loss to the creditor class.

"Our proposal is not a novel one. In some of the measures adopted and proposals made in British India and the Indian States, there are provisions enabling the courts to open the accounts between parties from the commencement of the transactions and disallow or reduce interest, even such as has already been paid, notwithstanding any agreement between the parties or any settlement of accounts between them or any contract purporting to close previous dealings (Vide Chapter X).

"We have also to remember that the return the agriculturist has been getting, since 1105 (1929-30), is not anywhere near 12 per cent, but very much below that rate. The creditor as a partner in agricultural industry, is not justified in expecting from his investment the same return as when the industry was more prosperous and so when the return from land has fallen heavily, It is not unreasonable to ask the creditor to forgo a small share of his income from his transactions with agriculturists. In the present condition of the agriculturists, we consider that 6 per cent would be a reasonable rate to fix, fair enough both to the debtor and to the creditor. Nevertheless,

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we do not recommend the rate of 6 per cent to be applicable invaribaly to transactions of all kinds, but, with due regard to the nature of certain debts, we also recommend rates higher or lower than 6 per cent which as mentioned above, we consider a fair general rate for the depression period.

"The new rates that we recommend will apply only to a temporary period, *i. e.*, as long as the present conditions continue to exist and should apply only if payment is actually made within the period. For the future, the Government may retain the liberty to revise the rates, from time to time, as conditions become altered, and if prosperous conditions return, they may even raise it up to the legal rate of 12 per cent."

ഇതെല്ലാംകൊണ്ടു് ൧൧൦൭ മുതലുള്ള പലിശ കുറയ്ക്കേണ്ടതാണെന്നു് ആക്കും ബോദ്ധ്യപ്പെടുന്നതാണു്. ആദ്യത്തേതിൽനിന്നു വേർപ്പെടുത്തി ൧൧൦൭ മുതലുള്ള പലിശയിൽ യാതൊരുകുറവും വരുത്താതെ ഈ ബിൽ ഇപ്പോൾ കൊണ്ടുവന്നിരിക്കുന്നതു തീരെ ആശാസ്യമല്ല. അതിനാൽ ൧൧൦൭ മുതലുള്ള പലിശ കുറയ്ക്കേണ്ടതേററവും അത്യാവശ്യമാണു്.

കർഷകർ സുഖാനുഭോഗങ്ങൾ (luxury) ക്കു് ധനവ്യയം ചെയ്താണു് കടക്കാരായിത്തീന്നതെന്നു് ചിലർ പറഞ്ഞു. സർ, അപ്രകാരം ചെയ്തു് മോട്ടാർവാങ്ങി കടക്കാരായിത്തീന്ന കർഷകൎക്കുയാതൊരു ആനുകൂല്യവും ചെയ്തുകൊടുക്കണമെന്നു ഞാൻ ആവശ്യപ്പെടുന്നില്ല. അപ്രകാരമല്ലാതെ കടക്കാരായിത്തീന്ന കർഷകരെ അവരുടെ ആപത്തിൽ സഹായിക്കേണ്ട കടമ ഗവൺമെൻറിനുണ്ടു്.

മനുഷ്യർ തമ്മിലുള്ള കരാറുകളെപ്പററിയും രണ്ടോ മൂന്നോ പേർ സംസാരിച്ചു. കരാർ ലംഘിക്കണമെന്നോ വാക്കുമാററി പ്രവൃത്തിക്കണമെന്നോ വാങ്ങിയതുക പലിശസഹിതം കൊടുത്തുതീക്കാതിരിക്കണമെന്നോ കർഷകനു തെല്ലും മനഃപൂർവമില്ല. എന്നാൽ പരിസരങ്ങൾ അവനെ ക്രമത്തിലധികം ഞെരുക്കുന്നുണ്ടു്. ഈ പരിതഃസ്ഥിതികളിൽ മനുഷ്യർതമ്മിൽ മാത്രമല്ല ജനസമുദായങ്ങൾ (നേഷൻസ്) തമ്മിലുള്ള കരാറുകൾപോലും ലംഘിക്കപ്പെടുന്നുവെന്നു നാം കാണുന്നുണ്ടു്.

ധനികനായ (creditor) അമേരിക്ക, കടക്കാരായ (debtor) രാജ്യങ്ങൾക്കു ഒരു വർഷത്തെ കാലാവധി (moratorium) കൊടുത്തതിനു ശേഷവും കടംകൊടുത്തു തീക്കുവാൻ മനസ്സില്ലെന്നു ജർമ്മനിമുതലായ രാജ്യങ്ങൾ പറഞ്ഞുകഴിഞ്ഞിട്ടു് വർഷങ്ങൾ പലതുകഴിഞ്ഞുവെന്നു് നമുക്കറിയാം. എന്നാൽ, ഇവിടത്തെ കർഷകൻ അവൻെറ വർദ്ധിച്ചുകിടക്കുന്ന കടം കൊടുത്തു തീക്കുവാൻ നിവർത്തിയില്ലെന്നു പറയുമ്പോൾ ധിക്കാരംകൊ

ണല്ല അവൻ അങ്ങനെ പറയുന്നതെന്നു നേരേമറിച്ചു അവന്റെ കഴി വില്ലായ്മയാണിതിനു കാരണമെന്നും ഗവണ്മെന്റു മനസ്സിലാക്കുമെന്നും ഞാൻ വിശ്വസിക്കുന്നു.

രഞ്ജക (conciliation) ബോർഡ്കളെപ്പററിയും എനിക്കു ഒരു വാക്കു പറയുവാനുണ്ടു്. ഈ ബോർഡുകൾ പരീക്ഷണാർത്ഥം ചില സ്ഥലങ്ങളിൽമാത്രം സ്ഥാപിക്കാതെ രാജ്യത്തിന്റെ എല്ലാഭാഗങ്ങളും ഉൾപ്പെടത്തക്കനിലയിൽ സ്ഥാപിക്കേണ്ടതു് ഏററവും അത്യാവശ്യമാണെന്നു കൂടി ഗവണ്മെന്റിനെ ഓർമ്മിപ്പിച്ചുകൊണ്ടു് ഞാൻ വിരമിച്ചുകൊള്ളുന്നു.

Mr. C. M. Joseph (*Changanacherry* cum *Peermade*). സർ, ഈ ബില്ലിന്റെ തത്വത്തോടു ഞാനും യോജിക്കുന്നു. ഇതു് ഏതെങ്കിലും വിധത്തിൽ പാസ്സാക്കണമെന്നുള്ള ആശയോടും ഉൽക്കണ്ഠയോടും കൂടിയാണു ജനങ്ങൾ നിൽക്കുന്നതു്. ഈ ഹാളിൽ പ്രവേശിക്കുന്നതിനുള്ള ടിക്കററു കിട്ടാത്തതിനാൽ ഇവിടെ വാദപ്രതിവാദങ്ങൾ എങ്ങിനെയിരിക്കുന്നു എന്നറിയാൻ നിവൃത്തിയില്ലാതെ അനവധി ജനങ്ങൾ ഇതിനു വെളിയിൽ നിൽക്കുന്നുണ്ടു്. മെമ്പർമാർ ആരെങ്കിലും ഇറങ്ങി പുറത്തു ചെന്നാൽ "ബിൽ എന്തായി, പാസ്സാകുമോ" എന്നു ചോദിച്ചുകൊണ്ടു് അവർ അവിടെ നില്ക്കുന്നുണ്ടു്. അതു കൊണ്ടു് ഈ ബിൽ എത്രയും വേഗത്തിൽ നടപ്പിൽ വരുത്തണമെന്നുള്ളതാണു എന്റെ ഒന്നാമത്തെ പ്രാത്ഥന.

ബില്ലിന്റെ വകുപ്പുകൾ എല്ലാംതന്നെ ഇന്നത്തെ കർഷകജനങ്ങളുടെ സങ്കടപരിഹാരത്തിനും ആവശ്യത്തിനും പര്യാപ്തമാകുമെന്നു കണ്ടിട്ടല്ല ഇതു പാസ്സാക്കുന്നതിൽ ഇത്രവളരെ താല്പര്യപ്പെടുന്നതു്. അനേകം നാളായി ജനങ്ങളുടെ കഷ്ടതകൾക്കു ഒരു നിവൃത്തിമാർഗ്ഗംഉണ്ടാക്കിത്തരണമെ എന്നു ജനങ്ങൾ ഗവണ്മെന്റിനോടു് മുറവിളി കൂട്ടിത്തുടങ്ങി. അതിനുവേണ്ടി ജാഥാകൾപോയി, അനേകം യോഗങ്ങൾകൂടി നിശ്ചയങ്ങൾ പാസ്സാക്കി. ഗവണ്മെന്റിന്റെ നടപടികൾ കൊണ്ടുഎന്തെങ്കിലും ആശ്വാസം ലഭിക്കുമെന്നു അവർക്കു ആശിക്കാനുള്ള വഴിയും ഉണ്ടായി. എന്നിട്ടും ഇതുവരെ അവർക്കു യാതൊരാശ്വാസവും ഉണ്ടായില്ല. അതിനാൽ അതിരററ കഷ്ടതയിലും നിരാശയിലും പെട്ടുവിഷമിക്കുന്ന ജനങ്ങൾക്കു ഏക ആശാകേന്ദ്രമായി ഇപ്പോൾ അവശേഷിച്ചിരിക്കുന്നതു് ഈ ബില്ലു മാത്രമാണു്. ഏതു വിധത്തിലെങ്കിലും തങ്ങളുടെ കടങ്ങൾ തീർത്തു് കുറെക്കാലമെങ്കിലും സുഖത്തോടുകൂടിയിരു

[Mr. C. M. Joseph.]

നാൽ കൊള്ളാമെന്നാണ് അവരുടെ ആഗ്രഹം. അല്ലാതെ വാങ്ങിച്ചതുകൊടുക്കാതെ കഴിക്കാമെന്നുള്ള വിചാരമുള്ള ആളുകൾ വളരെ തുച്ഛമായിരിക്കും. ബില്ലിന്റെ വകുപ്പുകൾ ഓരോന്നും പ്രത്യേകമായി എടുത്തു നിരൂപണം ചെയ്യണമെന്നു ഞാൻ വിചാരിക്കുന്നില്ല. ബാങ്കർമാർക്ക് ഈ ബിൽ യാതൊരു ആശ്വാസവും ചെയ്യുന്നില്ലെന്നു പറയുന്നുണ്ടല്ലോ. താരതമ്യേന നോക്കുമ്പോൾ കർഷകന്മാർക്കും അതിനേക്കാൾ കൂടുതൽ ആശ്വാസപ്രദമല്ലാത്ത നിലയിലാണു ഈ ബിൽ ഇരിക്കുന്നതു്. എന്നിരുന്നാലും ഈ ബിൽ പാസ്സാകുന്നില്ലെങ്കിൽ കർഷകരുടെ ഭാവി എന്തായിരിക്കുമെന്നുള്ള ഉൽക്കണ്ഠകൊണ്ടുമാത്രം ഞാൻ ഇതു പാസ്സാക്കണമെന്നു അഭിപ്രായപ്പെടുന്നതാണ്.

എന്റെ ബഹുമാന്യസ്നേഹിതന്മാരിൽ ചിലർ വേറൊരഭിപ്രായം ഇവിടെ പറയുന്നതുകേട്ടു. ഭൂമിയുടമസ്ഥന്മാരായ കർഷകർ സഹായം അർഹിക്കുന്ന ഒരു കാലം ഉണ്ടായിരുന്നു എന്നും, എന്നാൽ ഇന്നു ആ കാലം പോയ്ക്കഴിഞ്ഞിരിക്കുന്നു എന്നുമാണ് അവർ പറയുന്നതു്. അവർക്കു കടം വീട്ടാനുള്ള നിവൃത്തിയില്ലായ്മ അന്നുണ്ടായിരുന്നെങ്കിലും ഇന്നത്തെ സ്ഥിതി അങ്ങനെയല്ല എന്ന് അവർ പറയുന്നു. മി. നാരായണൻ തന്നെ ആ വാദം പുറപ്പെടുവിച്ചുകണ്ടു. അതിനുള്ള കാരണം നാളികേരത്തിനു നൂറുക്കു നാലു രൂപ വിലയുണ്ടെന്നു ഗസററിൽ പ്രസിദ്ധപ്പെടുത്തിക്കണ്ടതാണെന്നും പറയുന്നു. അങ്ങിനെ അദ്ദേഹം പറഞ്ഞതു അദ്ദേഹത്തിന്റെ പ്രധാനസ്വത്തു് പണമായും പണയാധാരമായും പലിശയായും മാത്രമുള്ളതുകൊണ്ടായിരിക്കണം. അദ്ദേഹത്തിനു സ്വന്തമായി തെങ്ങിൻ തോപ്പുകൾ ഉണ്ടായിരുന്നെങ്കിൽ ഈ അഭിപ്രായം അദ്ദേഹം പുറപ്പെടുവിക്കുമെന്നു എനിക്കു വിചാരമില്ല. നാളികേരത്തോപ്പുള്ളവർക്കറിയാം, പതിനായിരവും അൻപതിനായിരവും നാളികേരങ്ങൾ കിട്ടിക്കൊണ്ടിരുന്നവർക്ക്, ഇന്ന്, കരം കൊടുക്കാനുള്ള നാളികേരം കിട്ടുന്നില്ല എന്ന്. നൂറുക്കു നാലല്ലാ, നാല്പതു രൂപ വില വന്നാലും ശരി, ഇന്നത്തെ കർഷകർക്ക് അതുകൊണ്ടു സങ്കടപരിഹാരം വരുന്നതല്ല. നാളികേരത്തിന്റെ വിലക്കൂടുതൽകൊണ്ടു കർഷകർക്കു നല്ല നിലവന്നിട്ടുണ്ടെന്നുള്ള അഭിപ്രായം ഒരിക്കലും സമ്മതിച്ചുകൊടുക്കാവുന്നതല്ല. പിന്നെ, റബ്ബറിനു വില കൂടിഎന്നു പറയുന്നു. ശരിയാണ്. റബ്ബറിനു ഒരു കാലത്തു വിലയില്ലാതിരുന്നു. ഇപ്പോൾ അല്പം വിലക്കൂടുതലുണ്ടു്. അതും ഇപ്പോൾ നടപ്പിലിരിക്കുന്ന restriction കൊണ്ടുമാത്രമാണെന്നുള്ള ഇവിടത്തെ പ്ലാൻറർപ്രതിനിധി പറയുകയു

ണ്ടായി. അതു് എത്ര നാളത്തേക്കു നിൽക്കുമെന്നു നമുക്കു നിശ്ചയിക്കാൻ നിവൃത്തിയില്ല. ൧൦൭-ന് മുൻപുണ്ടായിരുന്ന വിലക്കൂടുതലിനോടു് ഇപ്പോഴത്തെ വില താരതമ്യപ്പെടുത്തി നോക്കിയാൽ ഇന്നത്തെവില വളരെ കുറവുമാണു്. തേയില കൃഷിയാണു പിന്നെയുള്ളതു്. സാധാരണ നാട്ടുകാർ തേയില കൃഷി ചെയ്യാറില്ല. വലിയ യൂറോപ്യന്മാരാണു ആ കൃഷി ചെയ്യാറുള്ളതു്. പിന്നെ വലിയ ധനസ്ഥിതിയുള്ള ചുരുക്കം ചില നാട്ടുകാരും നടത്തുന്നുണ്ടായിരിക്കാം. അതുകൊണ്ടു് തേയിലക്കു വില കൂടുന്നതുകൊണ്ടു് കർഷകർക്കു യാതൊരാശ്വാസവും ഉണ്ടാകുന്നതല്ല. മുൻകൊല്ലങ്ങളിൽ കരമിളവു ചെയ്തു കൊടുത്തതുപോലെ കഴിഞ്ഞ ഒന്നുരണ്ടുകൊല്ലങ്ങളിലായി ഇളവു ചെയ്യുന്നില്ലെന്നും ലാൻറു് റവന്യൂകമീഷണർ അതിനു സമ്മതിക്കുന്നില്ലെന്നും അതു സാമ്പത്തികാധഃപതനം തീർന്നു എന്നു ഗവണ്മെൻറുതന്നെ സമ്മതിച്ചു എന്നുള്ളതിനു് ഒരു തെളിവാകുന്നു എന്നുമാണു്. കരം ഇളവുചെയ്തുകൊടുക്കുന്നകാര്യത്തിൽ അനുകൂലിക്കുന്നവനല്ല ഞാൻ. കരം ഇളച്ചുകൊടുക്കുന്നതുകൊണ്ടു് കർഷകർക്കു് കിട്ടാവുന്ന ആശ്വാസം നിസ്സാരമായിരിക്കും. അഞ്ചു രൂപ കരം കൊടുക്കുന്ന ഒരാളിനു ൧ അര രൂപ ഇളവു ചെയ്തുകൊടുക്കുന്നതുകൊണ്ടു് അയാൾക്കു പറയത്തക്കവിധത്തിലുള്ള ആശ്വാസം ഉണ്ടാകുന്നില്ല. വലിയ ജന്മിമാർക്കോ മററോ കുറെ ആശ്വാസം കിട്ടിയേക്കാം. ഗവണ്മെൻറിൻെറ ആദായത്തിനു് തന്മൂലം വലിയ ഉടവുവരുത്താമെന്നല്ലാതെ സാധാരണ കർഷകർക്കു അതുകൊണ്ടു് യാതൊരു പ്രയോജനവുമില്ല. അവരുടെ കടഭാരം തീരുന്നുമില്ല. ഗവണ്മെൻറു ഇങ്ങിനെയുള്ള ഭീമമായ സംഖ്യ നഷ്ടപ്പെടുമ്പോൾ ജനങ്ങൾ എങ്ങിനെയാണു ഈവക കാര്യങ്ങൾക്കെല്ലാം പരിഹാരമുണ്ടാക്കണമെന്നു പറഞ്ഞു ഗവണ്മെൻറിനെ സമീപിക്കുന്നതു്? അതിനാൽ കരമിളവുചെയ്യണമെന്നു മുറവിളികൂട്ടികൊണ്ടു് ഗവണ്മെൻറിനെ സമീപിക്കുന്നതു് വലിയ അബദ്ധമാണെന്നു എനിക്കുപലപ്പോഴും തോന്നിപ്പോയിട്ടുണ്ടു്.

ഇന്നു കരം കുറച്ചുകൊടുത്തിട്ടില്ല, അതു ഒരിക്കലും സാമ്പത്തികാധഃപതനം തീർന്നതിൻെറ ഒരു ലക്ഷ്യമല്ല. ജനങ്ങളെ സഹായിക്കുന്നതിനുള്ള പ്രാപ്തി ഗവണ്മെണ്ടിനു വരുത്തുവാൻ ഗവണ്മെൻറിൻെറ വരുമാനം കുറയാതിരിക്കണമെന്നുള്ള വിചാരമായിരിക്കാം ഇന്നു കരം കുറച്ചുകൊടുക്കുന്നതിൽ ഗവണ്മെൻറു മടികാണിക്കുന്നതു്.

ഈ ബില്ലിനെപ്പററി എൻെറ പല മാന്യസ്നേഹിതന്മാരും ഇവിടെ പറഞ്ഞുകഴിഞ്ഞു. അവയെല്ലാം ആവർത്തിക്കണമെന്നു ഞാൻ വി

[Mr. C. M, Josph.]

ചാരിക്കുന്നില്ല. ഈ ബില്ല കൃഷിക്കാർക്കു വളരെ ദോഷകരമല്ലെങ്കിലും പറയത്തക്ക ഗുണമൊന്നുംതന്നെ ഇതുകൊണ്ടു വരുന്നില്ല. ഈ ബില്ലിനെ സംബന്ധിച്ചിടത്തോളം മുതലാളിമാർക്ക് ഒരാക്ഷേപമുള്ളതു കൺസിലിയേഷൻ ബോർഡ് തീർച്ചപ്പെടുത്തി വിധിക്കുന്ന സംഖ്യ ഉത്തമർണന ലഭിക്കുവാനുള്ള മാർഗ്ഗമൊന്നുംതന്നെ ഇതിൽ നിർദ്ദേശിച്ചു കാണുന്നില്ലെന്നുള്ളതാണ്. അതു വാസ്തവമാണ്. ആ സംഖ്യ കടക്കാരനു കൊടുത്തുതീർക്കുവാൻ വല്ല മാർഗ്ഗവും നിർദ്ദേശിച്ചിരുന്നുവെങ്കിൽ കൺസിലിയേഷൻബോർഡ് കൂടാതെ മുതലാളിയും കടക്കാരനും തമ്മിൽ യോജിച്ച് ഇടവാടു തീർത്തുകൊള്ളുമായിരുന്നു. പക്ഷെ അങ്ങിനേയുള്ള നിർദ്ദേശങ്ങളൊന്നുംതന്നെ ഈ ബില്ലിൽ കാണുന്നില്ല. ഗവണ്മെൻറു കൃഷിക്കാരൻെറ ആശ്വാസത്തെ കരുതിയിരുന്നാൽ അവരുടെ കടം കൊടുത്തുതീർക്കുവാനുള്ള പദ്ധതികൾ തയ്യാറാക്കി ഇതിൽ ചേർക്കുമായിരുന്നു. ഈ ബില്ലുകൊണ്ടു കൃഷിക്കാരനു ആശ്വാസമായി എന്നു കൃഷിക്കാരൻ വിചാരിക്കുന്നില്ല; തന്നിമിത്തം അവർ ഇനിയുംക്ഷോഭിക്കതന്നെചെയ്യും. അവരുടെ കടം തീർത്തു ഉയർന്നുവരാൻ അവർ ആഗ്രഹിക്കുന്നു. കടത്തിനായി ഇൻസാൾവെൻസി കൊടുക്കണമെന്നൊ, ഒളിച്ചുനടക്കണമെന്നൊ നാടുവിട്ടു പോകണമെന്നൊ അവർ വിചാരിക്കുന്നില്ല. കടം തീർക്കുകതന്നെ വേണം, ഇതിലേയ്ക്കു മാർഗ്ഗമുണ്ടാക്കിക്കൊടുക്കുന്നതിലാണു ഗവണ്മെൻറു ശ്രദ്ധിക്കേണ്ടതു്.

Mr. M. Govindan: കൃഷിക്കാർ ക്ഷോഭിക്കുമെന്നുമെമ്പർ പറഞ്ഞു. അങ്ങിനെയാണെങ്കിൽ ഈ ബില്ലെന്തിനാണ്?

Mr. C. M. Joseph: അവർ ക്ഷോഭിക്കുമെന്നു ഞാൻ പറഞ്ഞതു് അവർക്കു കടം കൊടുത്തുതീർക്കാൻ മാർഗ്ഗമില്ലാത്തതുകൊണ്ടാണ്. ഭൂസ്വത്തുജാമ്യബാങ്ക് വഴിയൊ അല്ലെങ്കിൽ മറെറതെങ്കിലുംവഴിക്കൊ അവരുടെ കടം തീർക്കുന്നതിനുവേണ്ട ഏർപ്പാടുകൾചെയ്യണം. കൃഷിക്കാരുടെ കടം ഗവണ്മെൻറു തീർത്തുതരുമെന്നാണ് അവർ വിശ്വസിക്കുന്നതു്. എന്നാൽ ഇനിയും അവർ കടക്കാരായിരിക്കുന്ന ഞങ്ങളെ കടക്കാരാക്കാനിടയാക്കരുത്. കൃഷിക്കാർ ലക്സൂറിയസ് ലൈഫിൽ കഴിച്ചുകൂടി; ചില സ്പെക്കുലേഷനിൽ ചെന്നു ചാടിപ്പോയി; അനാവശ്യാഡംബരങ്ങൾക്കു പണം ചെലവുചെയ്തു എന്നുംമററും എൻെറ ചില സ്നേഹിതന്മാർ പറയുകയുണ്ടായി. അതെത്രമാത്രം സമ്മതിച്ചുകൊടുക്കാമെന്നു എനിക്കറിഞ്ഞുകൂടാ. ഞങ്ങളെ കടക്കാരായിട്ടു ഇനിയും ഗവണ്മെൻറു കാണാതിരിക്കണമെങ്കിൽ ഞങ്ങളുടെ വിദ്യാഭ്യാസച്ചിലവു കുറക്കണം. വിദ്യാഭ്യാസച്ചിലവു ഒരിക്കലും ലക്സൂറിയല്ല. ജീവിതത്തി

നാവശ്യമായിട്ടുള്ളതല്ലാത്ത ഹയർ എഡ്യുക്കേഷനു വലിയ ചെലവുചെയ്തിട്ടുള്ളതാണ് സാമ്പത്തികാധഃപതനത്തിനുള്ള പ്രധാനകാരണം. ഇത്രയും മുതൽ ചെലവുചെയ്തു വിദ്യാഭ്യാസം ഞങ്ങൾക്കു തന്നിട്ടും നിഷ്പക്ഷമനസ്ഥിതിയുള്ള ആളുകളെ കൺസിലിയേഷൻ ബോർഡിൽ എടുക്കുന്നതിന് അനുദ്യോഗസ്ഥന്മാരുടെ ഇടയിൽ കാണുന്നില്ലെന്നുപറഞ്ഞു. അങ്ങിനെയുള്ള ഒരു വിദ്യാഭ്യാസം ഞങ്ങൾക്കാവശ്യമില്ല. നിഷ്പക്ഷമനസ്ഥിതിയോടുകൂടിയുള്ള സന്താനങ്ങളെ ഞങ്ങൾക്കു വളത്താൻ കഴിഞ്ഞില്ലെങ്കിൽ അങ്ങിനെയുള്ള ഒരു വിദ്യാഭ്യാസം ഞങ്ങൾക്കെന്തിനു്?

Mr. Komilezhathu Sankaran : കൃഷിക്കാരുടെ മക്കളും പഠിക്കുന്നുണ്ടോ?

Mr. C. M. Joseph: അനേകംപേർ പഠിക്കുന്നുണ്ടു്. അതും കടംവാങ്ങിച്ചുതന്നെ നിർവഹിക്കുന്നു.

Mr. M. N. Narayana Menon : മുമ്പിലത്തേതിൽനിന്നും ഇപ്പോൾ കൃഷിക്കാരുടെ മക്കൾ വിദ്യാഭ്യാസത്തിനു പോയിക്കൊണ്ടിരിക്കുന്നതു കുറഞ്ഞിട്ടില്ലേ?

Mr. C. M. Joseph: കുറെ കുറഞ്ഞിട്ടുണ്ടു്. എങ്കിലും സ്കൂൾ അടുത്തു. കാളേജു മുററത്തു് എന്തുചെയ്യും. കുട്ടികളെ വിദ്യാഭ്യാസത്തിനയക്കാതെ നിവൃത്തിയില്ല. വിദ്യാഭ്യാസം ചെയ്തുകഴിഞ്ഞാൽ പിന്നത്തെ പാടൊന്നും പറയുവാനില്ല.

Mr. J. John Kattakayam : ഡിഗ്രിയും മേടിക്കൊണ്ടുവരുന്ന ആളുകളുടെ സംരക്ഷണത്തിനു കർഷകർ വിഷമിക്കുന്നുണ്ടോ?

Mr. C. M. Joseph: ഡിഗ്രി എടുത്തയാളുകൾക്കു യാതൊരുതൊഴിലും ലഭിക്കുന്നില്ല. അവരുടെ സ്ഥിതിക്കു തക്കവണ്ണം അവരെ പുലർത്താൻ ആളുകൾ വളരെ വിഷമിക്കുന്നുണ്ടു്. ഇതും കടംവർദ്ധനയ്ക്കു ഒരു കാരണമാണു.

Mr. J. John Kattakayam : പ്യൂൺജോലിക്കുപോലും ഡിഗ്രി മേടിയ ആളുകൾ അപേക്ഷക്കാരായി കാണുന്നതു് അവരുടെ കാലക്ഷേപമാർഗ്ഗത്തിനു നിവൃത്തിയില്ലാത്തതുകൊണ്ടല്ലേ.

Mr. C. M. Joseph: അപേക്ഷിച്ചിട്ടും ജോലി കിട്ടാത്തവരുണ്ടു്. ഇങ്ങനെയുള്ള കാര്യങ്ങളിൽ ഗവമെന്റു പ്രത്യേകം ദൃഷ്ടിവച്ചു ഈ ബില്പാസ്സാക്കി തന്നു മുതലാളിമാരേയും തൃപ്തിപ്പെടുത്തി ഞങ്ങളെ സ്വസ്ഥം യാതൊരു കുഴപ്പവുമില്ലാത്തവരുമായിത്തീക്കണം. തിരുവിതാംകൂറിലെ ഭണ്ഡാഗാരം പോഷിപ്പിക്കത്തക്കവണ്ണം കർഷകൎക്കു് അഭിവൃദ്ധിവരു

[Mr, C. M, Joseph.]

ള്ളുന്നതിനുള്ള മാർഗങ്ങൾ തീർച്ചയായും ഗവണ്മെൻറു കണ്ടുപിടിക്കത്തന്നെവേണം. ഈ ബില്ല് ഇനിയും ദീർഘിപ്പിക്കാതെ പാസ്സാക്കിത്തരണമെന്നു എൻറെ സ്നേഹിതന്മാരോടും ഗവണ്മെൻറിനോടും അപേക്ഷിച്ചുകൊള്ളുന്നു.

Mr. N. Ramakrishna Pillai (*Vaikam* cum *Shertallai*): I do not like to say much and prolong the passing of the Bill and take much of the time of this House. I am not for impeding the progress of the Bill. I am for accepting the Bill as it has been brought before this House. Therefore, I support the Bill.

No doubt it is difficult for the Government to frame a Bill of this kind. Their way is beset with difficulties; and the most serious difficulty lies in dealing with what may be called the vested rights of creditors. It may be difficult for tampering with vested rights by unsettling settled transactions. We are alive to the difficulties of the Government; but whatever it be, the Bill itself has emerged out of the lower House and come up for the consideration of this House. There is a feeling in the country that whatever may be the form the Bill has now assumed, it affords some sort of protection to the debtors at this time of depression. (*Hear, hear.*) It is now more than seven years since the depression itself began and the attempt to give relief has been made by the Government early enough by constituting a committee and by making the necessary investigation and also by bringing this Bill without delay in the Assembly. I submit therefore, that it is not at all right that we should stand in the way of the progress of the Bill and to delay the Bill being passed into law at an early date. I think that it is a duty which we owe to the large class of debtors not to delay the progress of the Bill any further.

Of course, it may be said, that the Bill stands in need of several useful amendments in the interest of the debtors. But at the same time, we have to remember that we are taking a leap in the dark.

This measure is an experimental one and we have yet to see what the result of the practical working of the measure will be. It is not possible to frame a measure perfectly satisfactory to the agriculturists concerned. From the discussions that have taken place to-day, it is clear, that we will never be able to come to a definite agreement as to the exact provisions necessary to satisfy the requirements of the situation. All the circumstances being considered, the inevitable result of any opposition will be the further delay in passing this measure. And I think that it will be better for us to accept the Bill as it is and try to see how it is worked in practice. In this connection I would also emphasise the fact that many of the members who spoke to-day referred to an important fact, *i. e.*, the

necessity for having a Bank, with a view to helping the agriculturists in getting the money required to discharge their debts. The difficulty of the agriculturists is in getting the money to pay. There is no doubt about this, that the difficulty, the real difficulty, lies in getting money. Therefore unless Government are prepared to take immediate steps to widen the scope and activity of the Land Mortgage Bank or to bring into existence any Central Bank which is able to finance the needs of the agricultural debtors, I think there is absolutely no use in passing this Bill. The success of the measure will depend upon the help that the Government would give to the agriculturists in this direction. There is no use of going into the details of the Bill because it has already been dealt with and I do not want to enter into the details of the various provisions. But at the same time I would point out one matter which needs rectification. The one thing that I want to refer to is with regard to the Conciliation Officers. There is no authority to co-ordinate their work. It is quite possible that Conciliation Officers might put their own interpretation upon the term 'agriculturists' as defined in the Bill. The definition of the term 'agriculturist' is very vague, and the interpretation must necessarily be difficult. It is quite possible that every one of the Conciliation Officers might put his own interpretation upon this definition itself.

Mr. M. Govindan: May I know from the honourable member whether it is not enough for Government to regulate the work of the Conciliation Officer for the sake of securing uniformity in their work?

Mr. N. Ramakrishna Pillai: It may be enough, but it is necessary. But at the same time there is no provision in the Bill for an appeal or revision. Clause 24 of the Bill says that the decision of the Conciliation Officer in respect of the interpretation of the term "agriculturist" is final. There is no means to refer this matter to an appellate authority. Whenever a doubt arises the question should be referred to a superior authority to enable uniformity of decision being reached in regard to the term 'agriculturist', at any rate.

It is for this reason that I say that there must be a co-ordinating authority to co-ordinate the work of the various Conciliation Boards.

Another point which I want to suggest in this connection is with regard to the chitty foremen. Yesterday some of us presented petitions containing representations from some of the chitty foremen. Section 17 of the Chitty Regulation will have to be amended if any relief is to be given to the chitty foremen under this Bill.

Mr. M. N. Paramesvaran Pillai: Sir, I rise to a point of order, whether the contents of the petition can be discussed on the floor of this House.

President: I take it that he is only referring to the fact of having presented the petition and not discussing it.

Mr. N. Ramakrishna Pillai: Having read over the petition I am able to say...

President: Honourable members are not entitled to discuss the contents of the petition presented to the House.

Mr. N. Ramakrishna Pillai: One provision in the Chitty Regulation will have to be amended. I hope the learned Law Member will take the earliest opportunity of making suitable amendments in the Chitty Regulation. With these remarks I support the principle of the Bill.

Mr. Komilezhathu Sankaran: Sir, I also support the motion before the House. Even though honourable members like Mr. Narayana Aiyar say that there is no depression and difficulties for the agriculturists, the introduction of this Bill by the Government is at least a recognition of the existence of depression and difficulties to the agriculturists. This fact is acknowledged by the framers of the Bill and it is rather consoling to the agriculturists. My friend Mr. Govindan said that because the Bill does not please either the creditors or the debtors it is clear that the Government have been impartial. But I do not mean to go so far. On the other hand, I say it is partial to the creditors. In the Statement of Objects and Reasons of the Bill it is stated that there is depression and that it began from 1105 and agriculturists are very badly affected thereby. I do not find anything in the Bill which helps the agriculturist substantially. It prevents the reduction of the interest from 1105 which was so anxiously expected by the debtors at large The very great handicap in which the agriculturists at present are placed is this. What little money they possessed had been invested in immovable properties. If an agriculturist wants to sell his property which was bought for Rs. 5,000 before 1105 it will fetch only one-third of the price paid before depression. I think even the creditors and money-lenders will admit this fact. It is quite natural that every loyal subject of His Highness the Maharaja thought it proper to invest what little money he had in the *pandaravakai* lands with the expectation that it will repay in spite of any acute depression or economic stringency. But at present matters stand on a different footing altogether. The creditor who had Rs. 5,000 with him without investing it in any property and was keeping it by his side distributing by way of loans to debtors, over

and above the prescribed rate of interest, was getting even 24 per cent. interest. Even in spite of that he now comes and says that he is not prepared to forego any amount; Government also say by this Bill that the position of the creditors is quite right and that they are entitled to their amount in full and it is improper to have any retrospective effect with regard to the rate of interest. The creditors are not now prepared to forego any amount either by way of reducing the interest or by scaling down the principal. We, the agriculturists, have no quarrel against them. We are entitled to help the Government. And agriculturists do think that Government will not be unwilling to help them in some other way. Sir, it is a well known fact that the agriculturists are not unwilling to pay. They are always willing to pay off their debts. The difficulty with him is his incapacity to pay it in coins. Where is the money to come from? He has got only his properties at his disposal. No money-lender will advance money to any if he has not got sufficient security. Therefore, so far as the creditors are concerned they are not in any way losers. They would not have advanced money to persons who are not worth anything. But what is the position of the land holders? He has invested his money in the land which is here. But if he wants to sell the property back it would fetch not even one-third of the price. But the creditor is not willing to accept any sort of compromise by adjustment since he is sure of the interest which in money will fetch. So long as the land holder is concerned, he had invested his money on *pandaravakai* lands and they will not fetch him any interest. Sir, there is a moral obligation on the part of the Government to help a land holder because he had implicit confidence in the Government in having deposited all the money he had in Government property. Why I am repeating it is because Government must do something in that direction, say, by way of organising a Central Land Mortgage Bank as has been suggested by Mr. Padmanabhan Tampi.

Mr. M. N. Paramesvaran Pillai: May I know how could this bank be able to help those who have not got properties?

Mr. Komilezhathu Sankaran: Sir, my friend is labouring under a misconception. Land Mortgage Bank is intended to help only those who are holders of lands and all agriculturists are expected to be land holders. Sir, Debt Conciliation is the only attractive feature of the Bill. Everything depends upon the way in which the Board is functioned. Sir, it is fortunate that these Boards are going to function at a time when the head of the administration is a person like the one we have at present. Corruption has been stamped out even within the last few months. There is the resourceful Law Member also to give suggestions with regard to the working rules of

[Mr. Komilezhathu Sankaran.]
the Conciliation Boards and as to the status of the Conciliation Officer and all that, that is left to the Government. So long as we leave it to the Government they will see to it. When Government are prepared to take us into their confidence I think it is only legitimate that we also take them into our confidence. Even yesterday the President took us into confidence when he disclosed very important matters relating to Federation. So it is only fair that, we, the members of this House take the Government into our confidence and with these words I support the Bill.

Mr. S. Piraviperumal Pillai. What about the Bill?

Mr. Komilezhathu Sankaran: I said I support the Bill.

President. There are two minutes more and I take it that the general sense of the House is that we had enough discussion on the Bill and I propose to call upon the Law Member to speak.

Mr. Kayalam Paramesvaran Pillai: Sir, the Bill has had a large measure of support, at any rate, to this extent, that the Bill must be passed as early as possible and I remember one or two honourable members suggesting that the very pendency of the Bill is ruinous to the country. Sir, it is highly necessary that we must either pass this Bill or end it so that the country may know something definite. We must not allow this Damocles' sword to hang as it were over our heads for any longer time. That would be a disaster and I am very glad that the honourable members realise it. Now I shall deal with the major criticisms made against the Bill. I shall first refer to those criticisms which I believe are based on misconceptions. There have been certain other criticisms the answers to which are self evident or have been given by other members. My immediate attempt is to deal with such of the criticisms as are based on misconception.

The first misconception to which I would draw the attention of the House is that relating to the Conciliation Boards. It has been argued that conciliation is arbitration and that a Conciliation Officer is an arbitrator. I think that is a very fundamental mistake. Mr. Narayana Aiyar even referred to the provisions of the Civil Procedure Code relating to arbitration and said that when even those provisions are not capable of producing any good results what is the chance for these schemes of conciliation. Mr. M. N. Paramesvaran Pillai also suggested the same thing although he did not use the word "arbitrator." His criticism was based on the assumption that this conciliation is arbitration. Now, these two are entirely different. In arbitration, the arbitrator is created by consent. Thereafter he is a judge and his award is final whether the parties agree

to it or not. The consent is required at the start only. Not so in conciliation. There is no consent at the start. The Conciliation Officer gets jurisdiction by law, and he starts. It is to his final proposal that consent has to be given. If the final advice or award or whatever you call it given by the Conciliation Officer is not accepted by any party, the whole thing goes and there will be no conciliation either as regards him or as regards others. This is the fundamental difference between arbitration and conciliation.

Mr. M. N. Paramesvaran Pillai. May I know whether it is not possible for one creditor to wreck the whole?

Mr. Kayalam Paramesvaran Pillai: That is a different question. I will certainly deal with it later on.

The Council adjourned at 4-31 P. M.

P. PARAMESVARAN PILLAI,
Secretary to the Sri Chitra State Council.

PROCEEDINGS
of
THE TRAVANCORE SRI CHITRA STATE COUNCIL.

(*OFFICIAL REPORT.*)

FIRST COUNCIL.

VOLUME IX—NUMBER 3.
NINTH SESSION—1936/1112.

Wednesday, the 9th December, 1936/24th Vrischikam, 1112.

The Council met in the Victoria Jubilee Town Hall at Eleven of the Clock, with Sachivothama Sir C. P. Ramaswami Aiyar, K. C. I. E., Dewan-President, in the Chair.

QUESTIONS AND ANSWERS.

Travancore Government 3½ *per cent. loan.*

31 ***Mr. M. N. Paramesvaran Pillai** (*Municipal Councils*) : Will the Government be pleased to state :

(*a*) how much has been subscribed by Travancoreans towards the Travancore Government three and a half per cent. loan 1936, and how much by outsiders ;

(*b*) whether any agents or brokers have been employed for raising the loan, and, if so, who they are and what was the remuneration paid to them ;

(*c*) whether the shares have been allotted, and, if so, when and what was the delay in allotting ; and

(*d*) whether complaints have been received from the subscribers that their shares have not been allotted, and, if so, who is responsible for the delay?

Rao Bahadur A. Rengasvami Aiyar (*Financial Secretary to Government*) :

(*a*) Bh. Rs. 26,90,800 by Travancoreans and Bh. Rs. 2,53,09,200 by outsiders.

(*b*) Yes. It is not in the public interests to furnish the information.

G. P. T. 1958. 350, 28-7-1112.

[Rao Bahadur A. Rengasvami Aiyar.]

(c) Yes. Immediately after the list of subscription to the loan was closed on the 8th July 1936. There was no delay.

(d) No.

Mr. M. N. Paramesvaran Pillai: With regard to answer to part (b) may I know from Government what remuneration was given?

Rao Bahadur A. Rengasvami Aiyar: The answer is given that it is not in the public interest to furnish the information.

Mr. M. N. Paramesvaran Pillai: Sir, I don't want the names of the companies or persons but I want to know the amount of remuneration given?

Rao Bahadur A. Rengasvami Aiyar: The answer is the same as above.

President: Order, order. I think the honourable members are entitled to know on what grounds this answer is given. There was a certain amount of competition and there was an attempt made to force the hands of Government in certain respects. Negotiations were set on foot and the best possible rates were ascertained. In view of the possibility of people pushing up rates if this were made known, the only contingency open was legitimately to give this answer. Possibly in the course of half an hour it may be possible for me to satisfy the honourable members on this issue by giving a suitable explanation.

Mr. M N. Paramesvaran Pillai: With reference to part (c) of the answer, may I know how many days or weeks or months after the subscription list was closed shares were allotted?

Rao Bahadur A. Rengasvamy Aiyar: The same day when the subscription list was closed. 18 per cent was allotted.

Mr. M. N. Paramesvaran Pillai: May I know when the surplus amount was returned?

Rao Bahadur A. Rengasvamy Aiyar: In the course of a few days the whole thing was returned.

Dismissal of pupils from Munnar High School.

32. ***Mr. J. John Kattakayam**: (*Muvattupuzha* cum *Todupuzha*): Will the Government be pleased to state:

(a) whether some pupils have been expelled from the Munnar English High School for disobeying the order prohibiting them from visiting plague-infected areas;

(b) the number of pupils thus expelled;

(c) whether the expulsion was not due to their going to visit Mahatma Gandhi; and

(d) whether the said school is not being conducted by the Europeans and whether they will place the connected papers on the table?

Mr. C. V. Chandrasekharan (*Director of Public Instruction*): (*a*) Yes.

(*b*) Four.

(*c*) Does not arise in view of the answer to part (*a*) of the question.

(*d*) First Part—Yes.

Second Part—No.

Mr. J. John Kattakayam: പാർട്ട് സിക്ക് ഇവിടെ സ്ഥാനമില്ലെന്നു പറയുന്നു. അങ്ങിനെ സ്ഥാനമില്ലാത്ത ഒരു ചോദ്യം പട്ടികയിൽ ചേർക്കാനുള്ള കാരണമെന്താണ്?

Mr. C. V. Chandrasekharan: പാർട്ട് (എ) യുടെ ഉത്തരം കൊണ്ടു പാർട്ട് (സി)-ക്കു സ്ഥാനമില്ലാതെ വന്നിട്ടുണ്ട്.

Mr. J John Kattakayam: അതിനെസംബന്ധിച്ചുള്ള ഫയൽ മേശപ്പുറത്തുവയ്ക്കാനുള്ള വിഷമമെന്താണെന്നു പറയാമോ?

Mr. C. V. Chandrasekharan: ൧൧൦൮ മേടമാസം ൨൭-ാംനു നടന്ന നിയമസഭയിൽ ബഹുമാന്യമെമ്പർമാർ ഈ ചോദ്യങ്ങളെല്ലാം കേട്ടതിർക്കു വിവരമാക മറുപടി ചൊല്ലിയാച്ചു. ഇതിർക്കുള്ള മറുപടി ൧൧൦൮ മെ ൨൭-ാംനു-യിലെ ഈ സഭയുടെ പ്രൊസീഡിംഗ്സ് ൨-ാം വാല്യം ൩-ാം പാർട്ട് ൪൨൭-ാം പേജിൽ പാർത്താൽ കാണാലാം.

Mr. J. John Kattakayam. മഹാത്മാഗാന്ധിയെ കാണാൻ പോയതുകൊണ്ടാണ് ഇങ്ങനെ നാലുപേരെ ഡിസ്മിസ ചെയ്തതെന്നു ഹൈസ്കൂൾറിക്കാർഡിൽ ഉള്ളതായിട്ടു മെമ്പർക്കറിയാമോ?

Mr. C. V. Chandrasekharan; നാൻ ഇപ്പൊഴത്തു ചൊന്നതിൽ കൂടുതലാക ഒൻറും ചൊല്ലുകിറതിക്കില്ലെ.

Mr. J. John Kattakayam: ഈ ഫയൽ മെമ്പർ തനിച്ചെങ്കിലും നോക്കാമോ?

Mr. C. V. Chandrasekharan: ൧൧൦൮ മേ ൨൭-ാംനു-നടന്ന സഭാനടപടികളിൽ ഇതൈപ്പററിയെല്ലാം വിവരിത്തിരുക്കിറതു്.

Mr. J. John Kattakayam: ഹൈസ്കൂൾ ഫയലിൽ മഹാത്മാഗാന്ധിയെ കാണ്മാൻപോയതുകൊണ്ടു ഈ നാലുപേരെ ഡിസ്മിസ്ചെയ്തു എന്നു രേഖപ്പെടുത്തിയിട്ടുള്ളതായിട്ടറിയാമോ?

Mr. C. V. Chandrasekharan; നാൻ ഇപ്പൊഴത്തു ചൊന്ന മറുപടിയിൽ കൂടുതലാക ഒന്നും ചൊല്ലുകിറതിക്കില്ലെ.

Mr. J. John Kattakayam : ഈ നാലു കുട്ടികളെ ഏതെങ്കിലും അവസരത്തിൽ വേറെ ഏതെങ്കിലും സ്കൂളിൽ അഡ്മിഷൻ കൊടുത്തിട്ടുള്ളതായിട്ടു മെമ്പർക്കറിയാമോ?

Mr. C. V. Chandrasekharan : എൻബർ മേ ന്ഫ ാംന്ത-ചൊന്ന മറുപടിയിൽ കൂടുതലായ ഒന്നും ചൊല്ലുകിറതിക്കിരല്ലെ.

Mr. J. John Kattakayam : ഡിസ്മിസ് ചെയ്ത നാലുകുട്ടികളുടെ ഭാവിയെപ്പററി അന്വേഷണം നടത്തുമോ?

Mr. C. V. Chandrasekharan : നാൻ ഇപ്പൊഴുതു ചൊന്നതിൽ കൂടുതലാക ഒന്നും ചൊല്ലുകിറതിർക്കില്ലൈ.

Transfer of jurisdiction over Pulinkunnu from Alleppey Munsiff's Court to Ambalapuzha.

33. ***Mr. K. Padmanabha Panikkar** (*Ambalapuzha*): (1) Will the Government be pleased to state whether they have received repeated representations from the public of Pulinkunnu regarding the transfer of jurisdiction of Munsiff's Court from Alleppey to Ambalapuzha?

(2) Are they aware of the severe hardship of the public of Pulinkunnu on account of the transfer?

Rao Bahadur Rajyasevaniratha Dr. N. Kunjan Pillai: (*Chief Secretary to Government*):

(1) Three representations have been received.

(2) No.

Mr. K. Padmanabha Panikkar: With reference to answer to part (1) May I know whether it has not been brought to the notice of Government by this representation that there is hardship felt by the people?

Rao Bahadur Rajyasevaniratha Dr. N. Kunjan Pillai: The people who sent up the representation have stated that there is hardship but the Government are not convinced of the hardship complained of.

Mr. K. Padmanabha Panikkar: Did the Government conduct an enquiry in the matter?

Rao Bahadur Rajyasevaniratha Dr. N. Kunjan Pillai: Yes, whatever is necessary.

Power House of the K. D. H. P. Company at Pallivasal.

34. ***Mr. J. John Kattakayam**: Will the Government be pleased to state:

(*a*) whether on the construction of the Power House for generating electricity from the Pallivasal water falls, the then Magistrate of the place informed the Government that a nominal tax need alone be imposed on them; and

(*b*) whether the loss sustained by Government thereby was made good during the time of Dewan Mr. V. P. Madhava Rao?

Mr. K. George (*Land Revenue and Income-Tax Commissioner*): (*a*) Yes.

(*b*) A tax at the rate of Rs. 4000 per annum for the first 15 years and at Rs. 5,000 for the next 15 years was fixed. The agreement regarding the same was executed after Mr. V. P. Madhava Rao left the service of the State.

Financial position of persons appointed in the State Service.

35. ***Mr. M. N. Paramesvaran Pillai**: Will the Government be pleased to state whether they take into consideration the financial embarrassments of a person before he is appointed in any responsible place either in the Judicial Department or in any other department of the State?

Rao Bahadur Rajyasevaniratha Dr. N. Kunjan Pillai: Yes, so far as is practicable.

Mr. M. N. Paramesvaran Pillai: May I know whether at any time any person has been refused appointment on the ground of financial embarrassment?

Rao Bahadur Rajyasevaniratha Dr. N. Kunjan Pillai: I am not aware of any such instance.

Mr. M. N. Paramesvaran Pillai: May I know whether the financial embarrassment of an applicant will be taken into consideration before he is appointed in a place?

Rao Bahadur Rajyasevaniratha Dr. N. Kunjan Pillai: Yes, as far as possible.

Road by the side of the Malankara Rubber Estate.

36. ***Mr. J. John Kattakayam**: Will the Government be pleased to state:

(*a*) whether there was a village road from the front side of the Karikode temple, Thodupuzha *via* Malankara Rubber Estate to the Todupuzha-Arakulam road;

(*b*) whether the portion of this village road from Karikode to the residence of the Superintendent of the Malankara Rubber Estate has not been converted into a public road;

(*c*) whether maintenance is being sanctioned for the remaining portion of the village road;

(*d*) whether expenditure is being incurred there accordingly;

(*e*) whether public traffic through this portion is being prevented or right of way obstructed on the road by the planters; and

(*f*) whether the planters have closed any other pathways opened in the estate at Government cost?

Mr. K. Madhava Kurup (*Ag. Secretary to Government*) :

(*a*) Yes.

(*b*) Three miles have been improved, but only 2 miles and 3,040 feet are now being maintained.

(*c*) No.

(*d*) No.

(*e*) Government are not aware.

(*f*) No.

Devicolam Cutcherry Settlement.

37. *Mr. G. Narayana Aiyar** (*Kunnatnad* cum *Parur*) : Will the Government be pleased to state :

(*a*) the total area of the Devicolam Cutcherry Settlement ;

(*b*) the total area of fuel reserve in such settlement ;

(*c*) the number of houses built at Government expense as quarters for Government servants and the number of private houses, if any, in such settlement ; and

(*d*) the number of public offices located in such settlement?

Mr. K. George : (*a*) 174·34 acres excluding fuel reserve.

(*b*) 195 36 acres.

(*c*) 66 buildings as quarters for Government servants and 31 private houses.

(*d*) 13.

Mr. G. Narayana Aiyar : With reference to part (*c*) of the answer, may I know what will be the area occupied by all the buildings together ?

Mr. K. George : I am not in a position to say that.

Rates of fees for the occupation of travellers' bungalows.

38. *Mr. J. John Kattakayam :** Will the Government be pleased to state whether uniform rates are charged for officials and non officials for the occupation of travellers' bungalows and, if not, the reason therefor ?

Mr. K. Madhava Kurup : Yes. But some concession is allowed in the case of officers drawing a salary of less than Rs. 300 in view of the frequency and necessity of their tours in the interests of Government work, which necessitate their camping in travellers' bungalows.

Mr. M. N. Paramesvaran Pillai : May I know from Government whether the rates fixed for the officials and the non-officials are the same ?

Mr. K. Madhava Kurup : The rates for the officials and non-officials are the same, but some concession is given to officers drawing a salary below Rs. 300.

Mr. M. N. Paramesvaran Pillai : May I know what that concession is ?

Mr. K. Madhava Kurup: Only 75 per cent of the tariff rates is realised from officers drawing a salary of Rs. 150 to 300 and only 50 per cent of the tariff rates from those drawing Rs. 150 and below.

Mr. M. N. Paramesvaran Pillai: May I know why that concession is allowed?

Mr. K. Madhava Kurup: The concession is allowed to officers drawing a lower salary, in consideration of the fact that they get only a lower rate of T. A.

Mr. M. N. Paramesvaran Pillai: Are not the non-official members of the committees which go on tour to pay in full?

Mr. K. Madhava Kurup: I am afraid they must pay; and they get first class officers' T. A.

Mr. S. Piraviperumal Pillai (*Commerce and Industry South*): May I know why non-official members of the Legislature are not allowed the concession?

Mr. K. Madhava Kurup: They are classed as first class officers in the matter of T. A. Therefore they are not given this concession.

Mr. S. Piraviperumal Pillai: They only get T. A. when they go on official business. My question is whether they are entitled to the concession if they are touring throughout the State to obtain public information with regard to a particular matter?

Mr. K. Madhava Kurup: No.

Land available for registration in the Devicolam Cutcherry Settlement area.

39. ***Mr. G. Narayana Aiyar**: Will the Government be pleased to state whether there is any more land in the Devicolam Cutcherry Settlement area available for registration to *bona fide* Travancoreans, and, if so, what is the extent?

Mr. K. George: No land is available for assignment in the Devicolam Settlement area.

Mr. G. Narayana Aiyar: May I know from the member whether any lands were registered in the name of private individuals within that settlement area?

Mr. K. George: Yes.

Mr. G. Narayana Aiyar: When was such lands registered?

Mr. K. George: The lands were being held on lease in the settlement area. The leases were renewed from year to year. Later on it was found desirable to register those lands to the occupants because they have put up substantial buildings;

Mr. G. Narayana Aiyar: May I know when such lands were finally registered.

Mr K. George: I cannot remember the date.

Mr. G. Narayana Aiyar: What is the total area of the land?

Mr. K. George: I can say that all the occupants who had leases were given lands on leases but I cannot say the area of the land actually registered.

Mr. G. Narayana Aiyar: May I know whether any special plot is reserved for any special purpose?

Mr. K. George: There is a plot reserved as fuel reserve. I cannot think of any other plot being reserved for any special purpose.

Mr. G. Narayana Aiyar: May I know whether sufficient area has been left which could be registered in the name of private individuals?

Mr. K. George: The Devicolam Commissioner reports that if the fuel reserve and the area under occupation and the area where the Government buildings are situated are excluded all that is left will be 42 acres and that they are very steep hills. There is also no convenience of water supply. That is the only area available for cattle grazing in the settlement.

Road from the 10th mile of Todupuzha-Arakulam road to the Valiakandam Kanam Forest Station.

40. ***Mr. J. John Kattakayam**: Will the Government be pleased to state:

(*a*) whether a representation from the public has been received praying for the opening of a road from the 10th mile on the Todupuzha Arakulam road to the Valiakandam Kanam Forest Station;

(*b*) whether the necessary alignment was made and the estimate prepared for it; and

(*c*) whether, while making the alignment and preparing the estimate, it was understood that this road was a necessity to the public?

Mr. K. Madhava Kurup: (*a*) Yes; there was also a petition protesting against the proposal.

(*b*) After conducting an investigation an estimate has been prepared.

(*c*) This road, if opened, will be useful to the people of the locality.

Mr. J. John Kattakayam: പൊതുജനങ്ങൾക്കുപകാരപ്രദമായ ഈ റോഡു കഴിയുന്നതും വേഗത്തിൽ തുറക്കുമോ?

Mr. K. Madhava Kurup: അതു ഗവണ്മെന്റു മേലാൽ ചെയ്യേണ്ട ഒരു കാൎയ്യമാണ്.

Mr. J. John Kattakayam: മേലാലുള്ള ആവശ്യങ്ങൾ വരുമ്പോൾ ഈ ആവശ്യംകൂടി അവയുടെ കൂട്ടത്തിൽ ഒരാവശ്യമായിട്ടു കരുതുമോ?

Mr. K. Madhava Kurup: ഇതിനുമുമ്പുതന്നെ മെമ്പരുടെ ചോദ്യത്തിനുത്തരമായിട്ടു ഗവണ്മെന്റിന്റെ ധനസ്ഥിതി നന്നാകുമ്പോൾ ഈ റോഡു തുറക്കാമെന്നു ചീഫ് എൻജിനീയർ പറഞ്ഞിട്ടുണ്ട്.

Mr. J. John Kattakayam: ചീഫ് എൻജിനീയർ ഇതു കട്ടക്കയത്തിന്റെ വീട്ടിലേക്കുള്ള ഒരു റോഡാണെന്നു പറഞ്ഞതായി മെമ്പർക്കറിയാമോ?

Mr. K. Madhava Kurup: അതുകൊണ്ടുമാത്രം ഈ റോഡു തുറക്കയില്ലെന്നു പറഞ്ഞിട്ടില്ല.

Mr. J. John Kattakayam: പൊതുജനോപകാരപ്രദമായ ഒരു റോഡാണിതെന്നു മെമ്പർക്കറിയാമോ?

Mr. K Madhava Kurup: ഇതിനുമുമ്പു ചീഫ് എൻജിനീയർ അതിനു മറുപടി പറഞ്ഞിട്ടുണ്ട്.

Agreement with the Rubber Expert.

41. ***Mr. M. N. Paramesvaran Pillai**: Will the Government be pleased to state whether they have entered into any agreement with Mr. John Helen, the Rubber Expert, and, if so, whether they will place the same on the table ?

Rao Bahadur Rajyasevaniratha Dr. N. Kunjan Pillai: Yes. A copy of the *agreement is placed on the table.

Mr. M. N. Paramesvaran Pillai: With reference to clause 9 of the agreement may I know whether Government have decided to terminate the service of the expert and whether they have issued any notice to him to that effect ?

Rao Bahadur Rajyasevaniratha Dr. N. Kunjan Pillai: Government have not issued any notice to Mr. Helen.

Mr. M. N. Paramesvaran Pillai: May I know, Sir, whether Government have decided to allow this factory to be managed by any private agency?

President: The honourable member will wait for a statement which the Dewan will make in about ten minutes.

**Vide* appendix—Pages—181—183 infra.

Extension of service to Mr. Lokanatha Sastri.

42. * **Mr. J. John Kattakayam**: Will the Government be pleased to state :

(*a*) whether extension of service has been granted twice to one Lokanatha Sastri, a District Court Sheristadar ; and

(*b*) if the answer is in the affirmative, the reasons for the grant of such an extension ?

Rao Bahadur Rajyasevaniratha Dr. N. Kunjan Pillai: (*a*) Yes.

(*b*) He was reported to be physically and mentally fit to continue in service.

Mr. J. John Kattakayam: ഇതുപോലെ ശാരീരികമായും മാനസികമായും ആരോഗ്യമുള്ള അനേകംപേർ സർക്കാർ സർവീസിലുണ്ട്. അവർക്കും കാലാവധി നീട്ടിക്കൊടുക്കുമോ?

Rao Bahadur Rajyasevaniratha Dr. N. Kunjan Pillai: ഓരോരുത്തരുടെ കാര്യം വരുമ്പോൾ അതിനെപ്പറ്റി ആലോചിച്ചു തീർച്ചചെയ്യുന്നതാണ്.

Mr. J. John Kattakayam : കാലാവധിനീട്ടിക്കൊടുക്കുന്നതിനുള്ള മാനദണ്ഡം ഏതാണ്?

Rao Bahahur Rajyasevaniratha Dr. N. Kunjan Pillai അതാതു ഡിപ്പാർട്ടുമെൻറധ്യക്ഷന്മാർ യോഗ്യതയുണ്ടെന്നു തീർച്ചപ്പെടുത്തിയാൽ കാലാവധി നീട്ടിക്കൊടുക്കും.

Mr. J. John Kattakayam : ഇതിനെസംബന്ധിച്ചു മി. സിംസന്റെ അഭിപ്രായത്തെ ക്ഷണിക്കാറുണ്ടോ?

Rao Bahadur Rajyasevaniratha Dr. N Kunjan Pillai: ആവശ്യമുണ്ടെങ്കിൽ അങ്ങിനെ ചെയ്യും.

Mr. J. John Kattakayam : ഒരാളിന്റെ ആരോഗ്യത്തെപ്പറ്റി നിർണ്ണയിക്കുന്നതിനു ഡാക്ടർമാരല്ലേ വേണ്ടതു്?

Rao Bahadur Rajyasevaniratha Dr. N. Kunjan Pillai: ഡാക്ടരല്ലാത്തവർക്കും നിർണ്ണയിക്കാൻ കഴിയും.

Mr. J. John Kattakayam : ഡാക്ടരല്ലാത്തവർ ഏതു മാനദണ്ഡത്തെ അടിസ്ഥാനപ്പെടുത്തിയാണ് ഇതു നിശ്ചയിക്കുന്നതു്?

Rao Bahadur Rajyasevaniratha Dr. N. Kunjan Pillai: ഒരാളിനു ജോലി ചെയ്യാൻ ശേഷി ഉണ്ടോ ഇല്ലയോ എന്നു തീർച്ചപ്പെടുത്താൻ ഒരു ഡാക്ടരുടെ പരിശോധന വേണമെന്നില്ല.

Mr. J. John Kattakayam: കാഴ്ചയിൽ ദൃഢഗാത്രരായിരിക്കുന്ന ചിലർക്കു ഹൃദ്രോഗം ഉണ്ടായിരിക്കുമെന്നു മെമ്പർക്കറിയാമോ?

Rao Bahadur Rajyasevaniratha Dr. N. Kunjan Pillai: അങ്ങിനെയുള്ളതു ചിലപ്പോൾ ഡാക്ടർ നോക്കിയാലും കണ്ടുപിടിച്ചില്ലെന്നുവരാം.

Mr. M. N. Paramesvaran Pillai: May I know whether these are the only considerations that weigh with the Government in the matter of giving extension to subordinates, I mean the physical and mental conditions?

Rao Bahadur Rajyasevaniratha Dr. N. Kunjan Pillai: They are the main considerations in the case of the ministerial staff.

Mr. M. N. Paramesvaran Pillai: May I know whether there are any other considerations?

Rao Bahadur Rajyasevaniratha Dr. N. Kunjan Pillai: That depends upon each individual case.

Mr. G. Narayana Aiyar: May I know whether several clerks in the Judicial Department were not given extension for more than two years?

Rao Bahadur Rajyasevaniratha Dr. N Kunjan Pillai: Probably, I have no information.

Extension of service to certain clerks of the High Court.

43. ***Mr. J. John Kattakayam:** Will the Government be pleased to state:

(*a*) whether extension of service has been granted to Messrs. Krishna Pillai, Head Clerk, High Court, Bhaskaran Moothathu and Krishna Kurup; and

(*b*) if so, the reasons therefor?

Rao Bahadur Rajyasevaniratha Dr. N. Kunjan Pillai: (*a*) Yes.

(*b*) They are physically and mentally fit to continue in service.

General Trading Company and the Ophthalmic Hospital authorities.

44. ***Mr. M. N. Paramesvaran Pillai:** Will the Government be pleased to state:

(*a*) whether the General Trading Campany, Cantonment, Trivandrum has been permitted to advertise themselves as "Dispensers to the Ophthalmic Department of the State";

(*b*) whether a room has been placed at their disposal in the local Ophthalmic Hospital for holding their office and for stocking their goods for sale;

(*c*) whether the Ophthalmic Hospital authorities insist on patients purchasing spectacles and other articles prescribed by them from the said company alone;

[Mr. M. N. Parameswaran Pillai.]

(*d*) whether the hospital authorities write out the prescription in the form printed in the name of the company and hand them over to the company's agent direct so that the patients are compelled to purchase the prescribed articles from the company ;

(*e*) whether any other firm has complained to Government against this practice, and, if so, what action has been taken by Government ; and

(*f*) whether the company has any special technical qualification for this preferential treatment shown by the hospital authorities ?

Mr. James Simpson (*Darbar Physician*): (*a*), (*b*) and (*c*) The answer is in the negative.

(*d*) The prescription forms of the General Trading Company as well as those of a few other firms have been occasionally used by the Medical Officers of the Hospital for writing out prescriptions, but such prescriptions are invariably handed over to the patients themselves and not to the agent or representative of any firm.

(*e*) Yes ; the matter is under the consideration of Government.

(*f*) No company is shown any preferential treatment by the hospital authorities.

Mr. M. N. Paramesvaran Pillai: With regard to answer to part (*d*) may I know whether any stationery is supplied to this department for writing ?

Mr. James Simpson : The supply was inadequate and therefore sometimes the prescription forms belonging to private compaines were used.

Mr. M. N. Paramesvaran Pillai : May I know whether the Darbar Physician is aware that this practice has lead to serious abuses ?

Mr. James Simpson : The Darbar Physicion has investigated the matter relating to this fact and he is assured that there is no hardship caused to any company by the use of these prescriptions ?

Mr. M. N. Paramesvaran Pillai : In answer to part (*e*) what is the nature of the action taken by Government.

Mr. James Simpson : It is a complaint from a company competing with the General Trading Company and it is stated that the matter is under consideration with the Government.

Mr. M. N. Paramesvaran Pillai: In what business is this company trading ?

Mr. James Simpson : I claim notice.

Mr. M. N. Paramesvaran Pillai: Are they dealing only in furniture ?

Mr. James Simpson : I claim notice.

Mr. S. Piraviperumal Pillai : May I know whether this practice is prevailing elsewhere ?

Mr James Simpson : It is the considered opinion of the Darbar Physician that it should not take place in Government institutions and final orders of Government are awaited.

Contributions in aid of the Christian Colleges in India.

45. ***Mr. J. John Kattakayam :** Will the Government be pleased to state :

(*a*) whether the new Viceroy has made an appeal on 28-6-1936 for the contribution of one lakh of pounds in aid of the Christian Colleges in India ; and

(*b*) whether the Travancore Government have taken any action on the above request ?

Mr. C. V. Chandrasekharan : (*a*) Government have no information.

(*b*) This does not arise in view of the answer to part (*a*).

In-patients in the Fort Hospital.

46. ***Mr. M. N. Paramesvaran Pillai :** Will the Government be pleased to state :

(*a*) whether in-patients are admitted for treatment in the Fort Hospital, Trivandrum ;

(*b*) if so, whether doctors are posted in that hospital for night duty ; and

(*c*) whether it is a fact that, because no doctors are posted for night duty in the Fort Hospital, in-patients are put to serious hardship and trouble ?

Mr. James Simpson : (*a*) Yes.

(*b*) No.

(*c*) As there are only six beds there is no need for a doctor to be on night duty. Emergencies occurring at night will be attended to by the Medical Officer on being intimated about the same by the subordinate on duty in the hospital.

Mr. M. N. Paramesvaran Pillai : With reference to answer to part (*c*) may I know who is the subordinate officer posted for duty during night ?

Mr. James Simpson : It may be a warder or waterman or other menial. The Darbar Physician has received no complaint of inadequacy of attention during night.

Defalcation in the Science College.

47. ***Mr. J. John Kattakayam :** Will the Government be pleased to state :

(*a*) whether in regard to the defalcation in the Science College,it was ordered that a sum of Rs. 10,730 chs. 3 cash 4 should be paid up ; and

[Mr. J. John Kattakayam.]

(*b*) whether any change has been effected in the method of keeping accounts in the Science College?

Mr. C. V. Chandrasekharan: (*a*) No.

(*b*) Yes.

Punishment of officers for defalcation in the Science College.

48. ***Mr. J. John Kattakayam:** Will the Government be pleased to state:

(*a*) whether the members of both the Houses of the Legislature had, during the Budget Session of 1110, complained about the defalcation in the Science College and pointed out the inadequacy of the punishment given to Messrs. C. V. Chandrasekharan and Moudgill who were responsible for it;

(*b*) whether the President had then replied that the persons responsible for this were degraded temporarily and that they would be given adequate punishments with the final decision of the case;

(*c*) the reason why the above persons are not awarded exemplary punishments although the case has been finally decided; and

(*d*) the person from whom the misappropriated amount is proposed to be realised?

Rao Bahadur Rajyasevaniratha Dr. N. Kunjan Pillai: (*a*) No: while some members pointed out the inadequacy of the punishment, others said that the punishment was unmerited.

(*b*) No.

(*c*) This question does not arise in view of the answer to part (*b*) above.

(*d*) The Government have sanctioned the amount involved in the misappropriation being written off the accounts.

Defalcation of money in the Science College.

49. ***Mr. J. John Kattakayam:** Will the Government be pleased to state:

(*a*) who were the persons punished in connection with the defalcation of money in the Science College;

(*b*) whether the amount of money lost by the Government was realised; and

(*c*) if not, from whom it is proposed to be realised?

Mr. C. V. Chandrasekharan: (*a*), (*b*) and (*c*). The member is referred to paragraphs 15 and 23 of the Report of the Public Accounts Committee on the Audit and Appropriation Accounts of 1109 M. E. and to Chapter III, page 123, of the Audit and Appropriation Report for 1110 M. E.

Director's appeal in the defalcation case.

50. ***Mr. J. John Kattakayam** : Will the Government be pleased to state:

(*a*) whether any appeal has been submitted to them regarding the defalcation case of the Director of Public Instruction ; and

(*b*) if so, the decision made thereon ?

Rao Bahadur Rajyasevaniratha Dr. N. Kunjan Pillai : (*a*) Yes.

(*b*) The appeal was recorded by Government.

Appendix .

Vide **Answer to Question No. 41**

Agreement with the Rubber Expert.

Articles of Agreement made this day the nineteenth day of April one thousand nine hundred and thirty-five between Rao Sahib N. Kunjan Pillai Esq,. M. A., B. Sc., Ph. D, Chief Secretary to the Government of Travancore, acting for and on behalf of the Government of His Highness the Maha Raja of Travancore (hereinafter called "The Government") of the one part and Mr. John Helen of Belgium, Rubber Expert and Engineer, presently residing at Trivandrum of the other part

WHEREAS the said Mr. Helen being reported to be a rubber expert was invited by the Government to offer first hand information as to the advisability of opening a rubber factory for the manufacture of rubber goods in the State of Travancore;

AND WHEREAS the said Mr. Helen accordingly came over to the State and after making a tour to the various rubber centres in the State as well as visiting the rubber plantations at Thenmalai submitted a scheme for the building, opening, and working of a rubber factory for the manufacture and sale of rubber goods at a profit;

AND WHEREAS the said scheme was approved of by the Government and the said Mr. Helen was asked to work up the scheme for the Government as the Engineer and Rubber Expert to the Government;

AND WHEREAS the said Mr. Helen consented to take up the said work for the manufacture of rubber goods at Trivandrum as per his scheme and such Engineer and Rubber Expert on the terms, covenants and conditions hereinafter appearing;

AND WHEREAS the Government having been pleased to accede to the terms, covenants and conditions hereinafter appearing, the said Mr. Helen assumed charge of his work as such Engineer and Rubber Expert on the 28th day of June 1934 ;

NOW THESE PRESENTS WITNESS AND it is hereby mutually agreed as follows : —

1. Mr. and Mrs. Helen shall be given Rs. (500) five hundred for their journey from Karachi to Trivandrum.

2. Mr. and Mrs. Helen shall, for a period of six months from the date of 28th June 1934, be provided by the Government with the necessary lodging at Trivandrum free of charge in a suitable building and provided with the necessary articles of furniture. They shall also for the same period, be provided with free boarding suited to their position in life, besides a car allowance of Rs. (75) seventy-five per mensem.

3. Besides the free lodging and boarding as provided for in clause 2 *supra*, Mr. Helen shall be given a sum of Bh. Rs. (100) one hundred per mensem for six months from the date of his joining duty as Engineer and Rubber Expert viz., 28-6-1934.

4. Mr. Helen shall, during the period of erection of the factory buildings, tender advice to Government in the matter of the purchase of the necessary machinery required for the factory, raw materials such as rubber, chemicals and in fact any and every thing required for the working of the factory. He shall also, during that period supervise the construction of the buildings for the factory and tender advice in regard to the putting up of foundations for the erection of machinery and plant. Mr. Helen shall also be responsible for the proper installation and working of the machinery and plant in the Rubber Factory.

5. After the erection of the buildings and the installation in working order of the machinery, plant, accessories, etc. necessary for the manufacture of rubber materials, Mr. Helen shall be in responsible charge of the Rubber Factory and shall work the same as per his scheme subject to the control and direction of Government exercised through the Director of Industries. Travancore.

6. Mr. Helen shall also tender advice for the marketing, selling and the fixing of the prices of the rubber goods manufactured in the Rubber Factory.

7. Mr. Helen shall, after the period of six months referred to in clause 2, be paid at the rate of Bh. Rs. (500) five hundred per mensem with the free furnished quarters referred to in that clause.

8. In case the net profits yielded by the factory exceeds ten per cent. of the total outlay on the factory, Mr. Helen shall be entitled to one half of such excess over ten per cent. of the total outlay. "Net profits" are, for the purpose of this clause, to be understood to mean what remains of the gross profits after allowing for interest at the rate of 5 per cent. per annum on the capital outlay, depreciation, working expenses, establishment charges and other similar and incidental expenses.

9. Mr. Helen hereby binds himself to serve the Government for a period of 5 years as Engineer and Rubber Expert under these presents unless the Government decide to terminate his services earlier in case the factory is found to work at a loss, in which case Mr. Helen will be entitled to six months previous notice or to his pay for six months in lieu thereof.

10. Mr. Helen shall during the period of his service as the Engineer and Rubber Expert of Government be in all respect subject to the rules of the T. S. R. so far as may be applicable to him consistently with this agreement.

11. Mr. Helen shall duly and properly render the services undertaken by him by virtue of the agreement.

IN WITNESS WHEREOF the parties to THESE PRESENTS have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered by the above said Rao Sahib N. Kunjan Pillai Esq., M. A., B. Sc,. Ph. D., Chief Secretary to the Government of Travancore acting for and on behalf of the Government of Travancore. (Sd.) N. Kunjan Pillai.

IN THE PRESENCE OF WINTESSES.

(1) (Sd.) A. R. Subrahmanya Aiyar,
Assistant Secretary to Government.

(2) (Sd.) M. Velu Pillai,
Superintendent, Secretariat.

Signed, sealed and delivered by Mr. Helen. (Sd.) J. Helen

IN THE PRESENCE OF WITNESSES.

(1) (Sd.) P. Krishnan Nair,
Auditor, Office of the Director of Industries.

(2) (Sd.) P. Chellaperumal Pillai,
Senior Clerk, Office of the Director of Industries.

STATEMENT BY THE DEWAN.

Dewan—President: As Dewan, I am taking the liberty of addressing the Council, under Section 5 (4).

I propose to address this honourable House in pursuance of what I have stated elsewhere to be the policy of the Government, namely, to take the Legislature into complete confidence, in regard to matters of important policy, as soon as it becomes possible for the Government to do so. I shall first deal with the subject which arose out of a question put by an honourable member to-day regarding the Rubber Factory.

As President of this Council I have received many questions with regard to the Rubber Factory, some of which proceed on misconceptions. I think it is my duty to clear the point and to make such misconceptions impossible henceforth. The policy of the Government in regard to industries in the State has already been enunciated ; but I shall reiterate it before this House.

[Dewan—President.]

The Government's policy in regard to industries is that there is a paramount duty resting on the State to control and to organise the provision of the primal necessities of the people—namely, water supply, drainage, light, electricity, and transport—for the utmost benefit of the people committed to the rule of His Highness the Maha Raja. With regard to other industries, it may be necessary, at a certain stage in their development, for the Government to start them and encourage them actively, or in other words, to start experiments so as to see whether those industries cannot be profitably pursued to the advantage and benefit of the people of the State. But the duty of the State stops there. Demonstration, and not active trade or commercial enterprise, is the duty of the State.

From that point of view, an industry like the rubber industry demanded a certain amount of preliminary work, experimentation and inauguration of a factory. As is well known to the members of this honourable House and to the people at large, the Travancore State is the largest producers of rubber in India. On account of the slump in rubber, the producers of rubber suffered greatly, and the persons who had put in a lot of capital on rubber plantations found themselves at their wits' end to find uses for their rubber. I have heard that part of the difficulties antecedent to the Agriculturists' Relief Bill was due to the distress produced in certain quarters as a result of the slump in rubber. But, that is a digression.

Now, realising that position, it came to the mind of the Government that the utilisation of the rubber produced in the State, for purposes of the State which are manifold, might be tried. In other words, Government thought that it would not do merely to produce a large quantity of raw rubber but that the manufacture of such rubber into rubber goods should be tried. The matter was considered worthy of a trial, and the Rubber Factory was accordingly started, and the agreement, which was referred to in the interpellation, was entered into.

It is now manifest that there is a great scope for the manufacture of rubber goods in this State so as to satisfy the needs not only of this State but of the south of India, that there is great scope also for the utilisation of manufactured rubber goods in a hundred different directions relating to transport and other utilities.

Now, the State's primary function has been discharged, and the time has arrived for this concern to be run on a commercial and competitive basis. What do I mean? Without meaning any disrespect to any officer of the Government, I want it to be realised that a Government department is not in its very nature competent to run a commercial enterprise satisfactorily and profitably. Adver-

tising, pushing goods on the market, making concessions when necessary, giving discounts, allowing rebates, finding markets, these are things which no Government officer, no Government department can do effectively ; and, if they try to do all this, there is the likelihood of complaint from various quarters. A competitive commercial enterprise can and will naturally do many things which a Government department cannot do. Further, no Government servant has got, by virtue of his very training, the special qualities which make for conspicuous success in commercial enterprise.

Now, bearing these matters in mind, Government have come to the conclusion that the Rubber Factory should henceforth be run as a purely commercial concern, especially as it has immense potentialities. Notwithstanding the so-called competition which has been referred to, and which may encounter it from any other company which may be started here, this company, properly run, will be able to stand its own and be of the greatest assistance to the whole of South India. Feeling like that, Government have come to the conclusion that it should not be handed over to any particular individual. No single person will be a licensee or lessee of this company. A limited liability company will be formed immediately. The shares of that company will be available to the people of Travancore, and that company will under certain safeguards be granted a lease of the factory. Government will take care that its investments are properly safeguarded, that it gets proper return for its investments, for the materials and machinery put into the factory; but it will not claim anything more except special treatment in the matter of Government purchases from the factory.

That is the policy of the Government in regard to the Rubber Factory ; and, I may say, that will be the policy of the Government in regard to other businesses or ventures either already existing or about to be started. Government will deem it part of its duties to demonstrate the value and the possibilities of certain nascent industries, to make the people realise what can be done. The moment those possibilities are proved, it will be left to the people to run them on commercial lines so as to secure the utmost possible benefit to the people of the State.

Now, turning to another subject with has an intimate bearing upon both the industrial and the agricultural future of this State, it has been suggested, in the course of the debate on the Agriculturists' Relief Bill here and elsewhere, and in the public press and on public platforms, that there is urgent necessity for a central banking agency to be started. I think it is my duty, in this matter also, to take this House and the public into confidence.

[Dewan—President.]

Government have come to the conclusion that great need exists for the formation of a central banking agency which will not compete with existing banking organisations but be a sort of banker's bank which can adequately finance the trade of the State, and which can incidentally and indirectly though adequately deal with the question of agricultural indebtedness. Obviously, the Government cannot embark on any banking enterprise or finance the activities of the people. When any industry is started, be it the rubber industry or the paper industry or any other industry, the first question that is put is as to what facilities the Government will give, how much the Government will advance, what concessions they will make. In the nature of things, Government cannot do much in this direction. But, if there is a first rate bank equal to any bank in India, functioning here, that bank will be able to look into the rights and the wrongs of these matters. If they find that a particular industrial concern is working on right lines they will finance it taking the necessary securities and precautions; if, on the other hand, they find that a concern is a bogus concern or is run on wrong lines, they may decline to finance it. The whole responsibility will rest on the banking concern and not on the Government.

Similarly, with regard to the Land Mortgage Bank. Suppose the Land Mortgage Bank wishes to extend its activities. It is not the Government that ought to be resorted to in this matter. The central banking agency already referred to will scrutinise the working of the Land Mortgage Bank, see whether it is properly conducted or not, enable it to issue debentures, finance the debentures and thereby enable the Land Mortgage Bank to afford greater relief to the agriculturists and others in the country.

It is from this point of view that Government have come to the conclusion that not only is there scope for such a central banking agency here but that there is imminent and imperative necessity for the organisation and the promoting of such a concern here. It will not be a Government concern, it will be a concern which the Government will take some interest in bringing into existence.

These are the two matters on which I thought it was necessary to take the House into confidence: and I hope that, in their endeavours, Government will receive that full co-operation and support, from the capitalists, from the agriculturists and from the industrialists of the State, which the Government think they have a right to expect. Not otherwise will the all-round expansion of the State's activities become possible.

LEGISLATIVE BUSINESS.

THE TRAVANCORE RUBBER CONTROL BILL.

Mr. Kayalam Paramesvaran Pillai (*Additional Head Sirkar Vakil*) : Sir, I beg to move that the Travancore Rubber Control Bill as passed by the Sri Mulam Assembly be taken into consideration.

Sir, it is known to the honourable members of this House that rubber was a prosperous cultivation till a few years ago when the prices languished and rubber became practically of little value. Estates were neglected and all the cultivators were in great distress. At that time many of the rubber producing countries joined together and came to an agreement known as the International Rubber Restriction Agreement. The object of it was to regulate the production and export of rubber in and from the rubber producing countries and to reduce the existing world stocks of rubber to a normal figure and adjust supply to demand so that prices may become reasonably remunerative to the efficient producer. The agreement was signed in London on the 7th May 1934. One of the terms of the agreement was the restriction of the further cultivation of rubber. Another term was the restriction of export. This has been arranged by customs notifications. This Bill provides for the restriction of the cultivation of rubber. There is also provision for the inspection of factories with a view to check the production of rubber. It is necessary that Government or some other agency appointed by them, should go to the rubber holdings and rubber factories and inspect them if necessary. The provisions of the Bill are drawn exactly on the lines of the corresponding provisions of the Indian Rubber Control Act. At this point, I may say that, by adhering to the international agreement Travancore has to enact a legislation identical to the legislation passed by other adhering countries. It has become imperative that we also pass a legislation like that obtaining elsewhere. The Indian Rubber Control Act was passed in 1934 and we are already in 1936-37. It must be said that we are already late. The reason for that also may be mentioned. The export quota allotted to Travancore was small and Travancore refused to join the scheme unless the quota was raised. The quota was subsequently raised. After that, the Bill was prepared and placed in the Lower House. Now it is necessary to pass this legislation as early as possible. I trust the House will agree to this Bill being passed.

Mr. G. Narayana Aiyar: May I know from the member whether there is any correct statement of affairs as to the actual area of Travancore under rubber control?

Mr. Kayalam Paramesvaran Pillai: Yes. I may tell for the information of the honourable member, Mr. Narayana Aiyar, that there is a publication called a Directory of Rubber Estates and Holdings in India, excluding Burma. This is published by the Rubber Licensing Committee. I may pass on a copy of the book to him if he wants.

Mr. G. Narayana Aiyar: That was a statement prepared at an earlier date.

Mr. Kayalam Paramesvaran Pillai: This list relates to 1935. There may be another list for 1936.

Mr. G. Narayana Aiyar: May I know who prepared the statement?

Mr. Kayalam Paramesvaran Pillai: The Rubber Licensing Committee.

Mr. G. Narayana Aiyar: May I know whether Government can prepare a correct statement of the Rubber Control area in Travancore in view of the Bill under consideration?

Mr. Kayalam Paramesvaran Pillai: Government also have certain agencies in collecting some statistics. But the lists prepared by the Rubber Licensing Committee are more reliable since they prepare the same after actual inspection of the areas at the spot.

Mr. G. Narayana Aiyar: May I know whether Government scrutinise the correctness of these statements?

Mr. Kayalam Paramesvaran Pillai: That is all done by the Rubber Licensing Committee. They have jurisdiction over the whole of India. Travancore being an important rubber producing country the Committee sits in Kottayam. They have got greater facilities for coming into touch with the several rubber estates and to know what the condition of the rubber estates are. They prepare the statement and publish it.

Mr. G. Narayana Aiyar: If any area under cultivation is excluded in the list, how is it to be included-in whom should the responsibility of scrutiny or verification rest?

Mr. Kayalam Paramesvaran Pillai: They will have to apply to the Rubber Licensing Committee.

Mr. G. Narayana Aiyar: Is there any time limit fixed in that case?

Mr. Kayalam Paramesvaran Pillai: I do not think that any such time limit has been fixed.

Mr. K. Sankaralingam Pillai (*Kottarakara and Pattanapuram* cum *Shencotta*) : Is not a notification published in the Gazette ?

Mr. Kayalam Paramesvaran Pillai : Which notification ?

Mr. K. Sankaralingam Pillai : The Licensing Committee's notification.

Mr. Kayalam Paramesvaran Pillai : I think it was published in the newspapers. I am not aware whether it was published in the Gazette.

Mr. K. George : I second the motion.

President : It has been moved and seconded that this Bill be taken for consideration by this House.

The motion was carried.

President : The Bill will now be considered. No amendment is forthcoming. But I do not wish to cramp this discussion. I propose, unless it is objected to, to put the whole Bill before the House instead of taking it clause by clause. If there is no objection I shall do so.

The question before the House is that Clauses 1 to 19 stand part of the Bill.

Clauses 1 to 19 were put to vote and added to the Bill.

The Preamble and Title of the Bill were also put to the vote and carried and added to the Bill.

Mr. Kayalam Paramesvaran Pillai : I now beg to move that the Travancore Rubber Control Bill be passed.

Mr. K. George : I second it.

The question that the Travancore Rubber Control Bill be passed was put and carried.

The Bill was passed.

THE TRAVANCORE ANCIENT MONUMENTS PRESERVATION BILL.

Mr. Kayalam Paramesvaran Pillai : Sir I beg to move that the Travancore Ancient Monuments Preservation Bill as passed by the Sri Mulam Assembly be taken into consideration.

The main object of this Bill is to provide for the preservation and protection of the ancient monuments in Travancore. Recent Archæological researches have shown that there are very valuable ancient monuments in Travancore and that the time has come when provision has to be made for their special protection. This Bill has been prepared on the lines of the corresponding Indian Act

[Mr. Kayalam Paramesvaran Pillai.]

and has been placed in the Assembly and passed by it. Provision is made in Clause 3 to declare an ancient monument as a protected monument. Clauses 10 and 11 provide for the maintenance and protection and preservation of ancient monuments, authority being also conferred on Government to acquire monuments if necessary with a view to afford proper means of protection or preservation. Clause 16 provides for the right of access to any monument maintained by Government under the provisions of this measure. Clause 18 provides for the control of traffic in antiquities. Clause 19 provides for the control of the moving of sculptures, carvings, images or like objects. I trust that the Bill may be passed.

Mr. K. George: I second the motion.

President: The question before the House is that the Travancore Ancient Monuments Preservation Bill as passed by the Sri Mulam Assembly be taken into consideration by this House.

The motion that the Bill be taken into consideration was carried.

President: As there are no amendments to the Bill, the motion before the House is that Clauses 1 to 28 stand part of the Bill.

The motion was put to the House and carried and Clauses 1 to 28 were added to the Bill.

The Preamble and the Title of the Bill also were put to the House and carried and added as part of the Bill.

Mr. Kayalam Paramesvaran Pillai: I move that the Bill be passed.

Mr. K. George: I second it.

The question that the Travancore Ancient Monuments Preservation Bill be passed was put and carried.

The Bill was passed.

THE TRAVANCORE TRADE UNIONS BILL.

Mr. Kayalam Paramesvaran Pillai: Sir, I beg to move that the Travancore Trade Unions Bill, as passed in the Sri Mulam Assembly, be taken into consideration.

This Bill provides for the registration and control of Trade Unions. What a Trade Union is, is defined in Clause 2 (h) of the Bill.

"Trade Union means any combination, whether temporary or permanent, formed primarily for the purpose of regulating the relations between workmen and employers, or between workmen and workmen or between employers and employers, or for imposing restrictive conditions on the conduct of any trade or business, and includes any Federation of two or more Trade Unions".

It will be seen that a Trade Union is practically a combination of either labour or employers. It may be an employers' union or a labour union. The immediate purpose of the introduction of the Bill was the progress of labour movement in Travancore. There are some labour organisations here but they have no definite official status in the country. At the same time it is recognised that such organisations conduce to the welfare and advancement of labourers in the matter of better conditions of life. It became necessary that some official status be given to the Trade Unions. This Bill has accordingly been prepared, to a large extent, on the lines of the corresponding Indian Act and has been passed by the Assembly.

I shall refer briefly to the material provisions of the Bill. One is that Trade Unions must get themselves registered, and if they get registered they will get a corporate status. Another result of the registration will be the immunity that they will enjoy. These immunities are laid down in Clauses 17 and 18 of the Bill. For instance it is laid down that if the registered Trade Unions conspire to break a contract, they would be free from penalties. Other immunities are also provided. This would be an advantage arising from registration. The Trade Unions should work without any suspicion, that they are being dominated and engineered by designing people. The governing body should consist therefore of a majority of their own members and not of outsiders. It is further provided that the funds of the Trade Union should be utilised for proper Trade Union purposes only because there is very often the suspicion that politicians are getting the funds for political gains. That may or may not be a fact, but in view of the fact that there is such a suspicion, it is provided that the funds should be used for proper Trade Union purposes only.

I trust that the House will accept the Bill.

Mr. Komilezhathu Sankaran (*Nominated*): I wish to know from the member.........

President: Honourable member will kindly raise his voice.

Mr. Komilezhathu Sankaran: I wish to know from the member whether, for recognition of a Trade Union, registration is necessary?

Mr. Kayalam Paramesvaran Pillai: Yes, it is compulsory; a Trade Union that is not registered will not be recognised.

Mr. Komilezhathu Sankaran: May I know whether formation and registration take place simultaneously?

Mr. Kayalam Paramesvaran Pillai: I will explain this. It is well known how a company is formed. People who are desirous of forming into a company join together and make an application to the Registrar. In the same manner those who want to form a Trade Union must combine together and apply for registration. The idea is not a novel one. By registration the Trade Unions will get various advantages, such as immunities.

President: Honourable member will remember he is answering a question.

Mr. K. George: I second the motion.

Mr. M. N. Paramesvaran Pillai: I have to oppose the principle of this Bill. This is simply an attempt on the part of the Government to muzzle all forces that gather round them, forces that may undermine capitalism and ultimately undermine Government. I fully appreciate the candour that characterises the statement of the Law Member. He has openly confessed in the statement of objects and reasons that the recent happenings and labour agitation in the country have given a rude shock to the sensitiveness of Government and hence this measure is introduced. Sir, if we examine the provisions of the Bill we will find that the Bill, as passed by the Lower House, is more objectionable than the provisions contained in the draft made by the Law Member. Sub-clause 2, of Clause 14 is more harmful to labour unions and this provision was not in the original draft. It is an inception that was made, I understand, by the Select Committee and subsequently adopted by the Assembly. If we pass this into law, hereafter no association can exist in this land without being registered and if any such association attempts to function, that will be penalised. This is a new Clause which was not in the original Bill. Sir, taking these two provisions along with the provision contained in Clause 6, we find that hereafter no Trade Union shall come into being, if it is not liked by Government. The Registrar of Trade Unions is given ample powers, under Clause 6, either to delay or postpone or even to refuse registration in some cases. If this Bill is passed into law I am sure it will work great hardship to the labour. No member of this House who has got the interest of the labour in his heart will support the measure. Therefore I request honourable members of the House to see that those provisions which are harmful to the labour in this country are altered.

Originally a copy of the Bill was given to us and a subsequent copy was given with the endorsement that the first copy was not

complete. I understand that most of the members have not had sufficient time to table amendments. I would therefore request you, Sir, to postpone the consideration of the Bill.

President: When did honourable members get the final copy?

Mr. M. N. Paramesvaran Pillai: Four or five days before.

President: I have got amendments which were given to me at 4-30 P. M. yesterday. I have no objection to allow those amendments, if the general wish of the House is that.

Mr. Kayalam Paramesvaran Pillai: I may submit that I have no objection to adjourn this.

President: It is open to the House to say if they would like to adjourn this or not.

Mr. M. N. Paramesvaran Pillai: Sir, I move that the consideration of this Bill be adjourned.

President: The motion before the House is that the consideration of the Bill be adjourned.

The motion was put to the vote of the House and carried and the consideration of the Bill was adjourned.

THE TRAVANCORE LIFE ASSURANCE COMPANIES BILL.

Mr. Kayalam Paramesvaran Pillai: I beg to move that the Travancore Life Assurance Companies Bill as passed by the Sri Mulam Assembly, be taken into consideration.

I am sure that this measure will not at all prove controversial. It is based on the Indian Act. It is proposed to control and regulate Life Assurance Societies working in Travancore.

I shall not take time to explain the various provisions of the Bill but only draw the attention of the honourable members to one provision in this Bill which will particularly interest them at this time of the day. That is contained in Clause 40 (*d*), which says that Our Government may make rules to

> "provide that any portion of the investments of any Life Assusance Company carrying on business within Travancore shall be in such securities as may be notified by Our Government in that behalf in Our Government Gazette."

There is no provision like this in the corresponding Indian Act. The Assembly has introduced it, because there is a growing feeling that the funds collected by Life Insurance Companies as premiums should go to the benefit of the country and they should if possible be invested to the benefit of the country. This is particularly interesting when we remember what the Dewan said this morning regarding the establishment of a Central Bank and the industrial progress of the country. I trust that the House will accept the meeasure.

Mr. K. George : I second it.

President : The motion before the House is that the Travancore Life Assurance Companies Bill be taken into consideration.

The motion is carried. As no amendments are coming, the Bill may be taken up now.

Mr. M. N. Paramesvaran Pillai : Under the rule we find that

> "On the day on which such motion is made or on any subsequent day to which the discussion is postponed, the principle of the Bill and its general provisions may be discussed, but the details of the Bill must not be discussed further than is necessary to explain its principles."

Under this rule, I submit, we are not entitled to a further consideration of the Bill. We are not entitled to go into the Clauses.

President : I may say that it is open to the House to come to a conclusion. But as there are no amendments the mere point of adjourning the Bill to another day, does not take the matter any further. But if the matter is insisted upon, I shall make a ruling.

Mr. M. N. Paramesvaran Pillai : I submit that the provision is imperative, that the details shall not be discussed.

President : I think in view of the point of order that has been raised I have to rule that the discussion cannot take place to-day. Law Member, have you got to say anything on it ?

Mr. M. N. Paramesvaran Pillai : The Chair has given a ruling.

President : No, it has been pointed out that the honourable member made an inaccurate statement of the rules and I am entitled to ask for assistance of the Law Member and I do so.

Mr. Kayalam Paramesvaran Pillai : There is no rule to the effect contended for by Mr. Paramesvaran Pillai. The motion that I made was that the Bill be taken into consideration. That has been put to the vote of the House and carried. The only question now is whether you are entitled to put the Clauses one by one to the House. This is governed by the provision appearing in paragraphs 112 and 113 of the Manual which reads thus :—

> "On the day on which such motion is made or any subsequent day to which the discussion is postponed the principle of the Bill and its general provisions may be discussed, but details of the Bill must not be discussed further than is necessry to explain its principles."

That discussion is now over. But it is laid down that :—

> "any member may move as an amendment that the Bill be referred to a Select Committee, and, if such motion is carried, the Bill shall be referred to a Select Committee, and the Standing Orders regarding Select Committees on Bills originating in the Chamber shall then apply"..........

We are not concerned with all this just now. Then comes the material provision :

"If the motion that the Bill be taken into consideration is carried, the Bill shall be taken into consideration, and the provisions of the Standing Orders of the Chamber regarding consideration of amendments to Bills and the subsequent procedure in regard to the passing of Bills shall apply."

So then, Sir, the provision of Rule 41 requires that if the motion that the Bill be taken into consideration is carried, the Bill shall be taken into consideration. I submit therefore that the Bill has now to be taken into consideration and that means consideration, clause by clause.

Mr. M. N. Paramesvaran Pillai : The Law Member evidently forgets that the provisions that I read over to this House and the provisions that the Law Member read out are the same, *viz.*, those contained in paragraph 113 and Rule No. 39.

Mr. Kayalam Paramesvaran Pillai : No ; that is not the provision.

Mr. M. N. Paramesvaran Pillai : Even following the rule now laid down by the Law Member may I point out that on the day on which the motion is made or on any subsequent day, the details must not be discussed further than to explain the principle of the Bill.

Mr. Kayalam Paramesvaran Pillai : The rule is that if the motion that the Bill be taken into consideration is carried, the Bill shall be taken into consideration, etc. There is no escape from it, unless it is put away by a motion for adjournment. In fact the practice here and in every other similar Chamber is that immediately after the motion for consideration is carried, the Clauses of the Bill *are* taken up for consideration.

President : Any one wishing to speak ?

Mr. G. Narayana Aiyar : We have received the Bill only very late and have no time ......

President : It is not a matter of point of order. On the point of order, I think I have now the materials before me to give a ruling and I proceed to do so Turning to the rules it would be found that rule 36 relates to Bills which have been passed in the originating Chamber. Rule 36 reads :—

"Every Bill which has been passed by the originating Chamber shall be sent to the other Chamber, and copies of the Bill shall be made available to the members of that Chamber".

Then, after the copies have been made available —

"any member acting on behalf of Government in the case of a Government Bill, or, in any other case, any member may give notice of his intention to move that the Bill be taken into consideration."

[President.]

Rule 38 says :—

"On the day on which the motion is set down in the list of business which shall, unless the President otherwise directs, be not less than three days from the receipt of the notice, the member giving notice may move that the Bill be taken into consideration."

Then comes Rule 39 :—

"On the day on which such motion is made or on any subsequent day to which the discussion is postponed, the principle of the Bill and its general provisions may be discussed, but the details of the Bill must not be discussed further than is necessary......".

That means that when the discussion takes place with regard to the motion for consideration a certain amount of general discussion must take place. The words "on the day on which the motion is made or on any subsequent day to which the discussion is postponed," refer to the motion for consideration. In other words, when the motion for consideration is made and during the consideration of that motion the principles of the Bill must be discussed and the details must not be discussed. When that stage has been passed the Bill shall be taken into consideration. It is stated that

"if the motion that the Bill be taken into consideration is carried the Bill shall be taken into consideration and the provisions of the Standing Orders regarding consideration of amendments to Bills and the subsequent procedure in regard to the passing of Bills shall apply".

Taking all these rules together, I think, the point of order taken by the honourable member is not correct. We are entitled to deal with the clauses.

The question that Clauses 1 to 41 do stand part of the Bill was then put to vote and carried and the Clauses were added to the Bill. The Preamble was put to vote and carried and added to the Bill.

Mr. Kayalam Paramesvaran Pillai : Sir, there are the Schedules.

President : The motion before the House is that the Schedules I to VI stand part of the Bill.

The motion was put to vote and carried and the Schedules I to VI were added to the Bill.

Ths Title was then put to vote and carried and added to the Bill.

Mr. Kayalam Paramesvaran Pillai : I move that the Bill be passed.

Mr. K. George : I second it.

The motion that the Bill be passed was put and carried.

The Bill was passed.

THE TRAVANCORE AGRICULTURISTS' RELIEF BILL.

President : We shall now go on with the Travancore Agriculturists' Relief Bill.

Mr. Kayalam Paramesvaran Pillai: Sir, last evening I was trying to explain to the House that arbitration is not conciliation and that conciliation is not arbitration. The distinguishing feature of conciliation, which every honourable member must bear in mind in trying to solve the doubts that may arise in this Bill is that the parties before the Conciliation Board, the debtor on the one hand and the creditors on the other, are complete masters of the situation, until the conciliation agreement is signed by them. While in arbitration, once the arbitrator is appointed, he is complete master and the parties have to submit to his award however unwilling they may be. Further, no conciliation agreement can take effect without the consent of everyone. This point, that unless *every person* is agreeable to it no conciliation is possible, should always be borne in mind. If, out of, say, one hundred creditors, ninety-nine are prepared to agree to the Conciliation Board and if one would not, then the conciliation cannot be given effect to and becomes totally infructuous. This is the most distinguishing feature of our conciliation scheme which distinguishes it from conciliation provided elsewhere say, for instance, in Madras, the Punjab or the Central Provinces, I shall presently refer in detail to those provisions. But let me reiterate this point that no conciliation will ever come into any effect against any person unless he agrees to it.

Sir, much criticism has been based on a non-appreciation of this feature of conciliation. There was even a misnomer. The conciliation officer was assumed to make an award. The arbitrator's decision may be an award, but a conciliation officers's decision is strictly only a proposal that would never take effect unless agreed to by every one of the parties concerned. That is provided for in Clause 19.

I am sure I need not read that. If that is borne in mind much of the criticisms will be self answered and in fact it will be a master solvent for every doubt. Whenever any doubt or difficulty is felt, apply at once this solvent, this remembrance of the feature of conciliation, and the doubt or difficulty will at once vanish.

Mr. M. N. Paramesvaran Pillai: May I know whether a secured creditor will be given any preferential treatment?

Mr. Kayalam Paramesvaran Pillai: Yes, if he wants it.

Mr. M. N. Paramesvaran Pillai: May I know whether there is any provision for that?

Mr. Kayalam Paramesvaran Pillai: Yes, there is provision for what is much more than that.

Mr. M. N. Paramesvaran Pillai: May I know which provision is that?

Mr. Kayalam Paramesvaran Pillai: I shall explain it. I was saying that no conciliation will take effect unless every one of the parties agrees to it. Every one of the secured creditors as well as the unsecured creditors as well as the debtor must all agree to the arrangement. Otherwise the arrangement will not be given effect to. If there are one debtor and say ten creditors and if nine of the creditors agree, and only one of the creditors keep aloof even then the agreement will fall through and will not be given effect to. Even that one creditor must agree. If he too agrees, where is the question of priority of anybody?

Mr. M. N. Paramesvaran Pillai: Recognising the priority claim of the secured creditor will not the unsecured debtor back out from such agreement even from the very beginning?

Mr. Kayalam Paramesvaran Pillai: I can very well appreciate such a criticism and I shall meet it. Let me at once say that such a criticism is a deserving criticism based on an understanding of the Bill. But now I am dealing with another criticism, a criticism born of ignorance. Upon that I am appealing to the House to bear in mind the distinguishing feature of conciliation, *viz*., that no conciliation will have effect against any person without his consent. Not only should he agree but every one else also should agree. If any one of the secured creditors is not prepared to appear or if he disagrees there will be no conciliation. As I said, even if nine of the creditors agree and only one keeps aloof and there is an unsecured creditor, there will be no conciliation effected. If that be so, where is the apprehension of priority being affected?

Mr. G. Narayana Aiyar: Is he to be penalised for that?

Mr Kayalam Paramesvaran Pillai: How does the priority question come in when no conciliation is effected? It may be that the court may disallow costs or reduce interest. But whatever is decreed will have priority and what is not decreed cannot be recovered at all, not even as an unsecured creditor.

Mr. G. Narayana Aiyar: Is it not necessary to explain it in detail in the Bill without leaving it to the discretion of the Conciliation Officer?

Mr. Kayalam Paramesvaran Pillai: It is in the Bill. It has only to be read. There is express provision to that effect. Clause 16 says:—

> "If the debtor and the creditor or the creditors appearing before the Board, agree to the conciliation proposed by the Board, it shall be reduced to writing in the form of an agreement and shall be signed by the debtor and the creditor, or creditors and shall also be signed or otherwise authenticated by the Board and so on".

And Clause 17 says :—

> " If all the parties appearing before the Board do not agree to the conciliation proposed by the Board, the Board may for reasons to be recorded in writing reject the application for conciliation or may record a certificate setting forth the attempts made by the Board to bring the parties to agreement, the various methods of conciliation suggested to them, the attitude of each of the parties in regard to such methods——"

So then the Board can only record a certificate if all of the parties do not agree, and the Board is not *bound* to record a certificate.

Mr. G. Narayana Aiyar : Does not the secured creditor lose his security ?

Mr. Kayalam Paramesvaran Pillai : No. The worst that may happen if he does not agree to conciliation is that he might lose some interest and costs. It is not a question of his losing any security.

Mr. G. Narayana Aiyar : May I know whether there is such a provision in the Bill ?

Mr. Kayalam Paramesvaran Pillai : In effect there is, because we are making a special provision that no conciliation can take effect unless it is agreed to by *all* the parties. This provision has been put in our Bill more out of regard for the interest of the creditors and in order that no person's vested rights may be affected without his consent.

Mr. M. N. Paramesvaran Pillai : Sir, may I just point out that what the Law Member said is not entirely true ?

President : Probably the honourable member means "entirely accurate". To say "not true" is not parliamentary.

> Mr. M. N. PARAMESVARAN PILLAI: "If in response to any such notice, any person, whether a debtor or creditor, does not, within the time specified in the notice or within such further time as the Board may grant, express to the Board his disagreement with the conciliation, he may if so ordered by the Board be deemed to have agreed to the conciliation and signed the agreement within the intent of sub-section (1) and the Board shall endorse or state in the agreement that it is deemed to have been signed by such person also."

May I know what the learned Law Member has to say with regard to that portion ?

Mr. Kayalam Paramesvaran Pillai : That means that the vested right of a person would not be affected without his consent or at least without his being given an opportunity to come and dissent. If on such opportunity being given, he remains silent, the silence is taken as consent. That is the principle.

Mr. M. N. Paramesvaran Pillai: May I know whether even when he backs out of the conciliation proceedings an agreement can be passed by the Board binding on him ?

Mr. Kayalam Paramesvaran Pillai: No, it does not say that. What it says is that a notice should be given to him and if he refuses to comply with it and fails to go to the Board and express dissent, he will be deemed to have assented. It is open to him to go and say that he is not prepared to agree to the conciliation. Why does he not do it? And if he does not, is it wrong to presume that he has no objections?

Mr. M. N. Paramesvaran Pillai: In that case does not the provision impose some compulsion ?

Mr. Kayalam Paramesvaran Pillai: It is compulsion in the sense that we should respect the notice of the Board. I think that it is absolutely necessary that every body should at least show courtesy to the Board.

Mr. G. Narayana Aiyar: May I know how the debts of Government which are a charge upon the property should be respected or resorted to so long as there is no party to it ?

Mr. Kayalam Paramesvaran Pillai: That is a point that I will deal with later on. But now I am on another point namely that no creditor, whether secured or unsecured, would be affected unless he agrees to the conciliation.

Another criticism was, I believe, that made by Mr. Piraviperumal Pillai that trade debts are included within the ambit of the Bill. These trade debts are included as agricultural debts only for the purpose of conciliation and not for any other purpose. This Bill provides relief to the debtors in various other methods. One is the reduction of interest. That would not apply to trade debts. I do not know whether Mr. Piraviperumal Pillai has realised that. Trade debts are brought into the debt conciliation scheme more for the interest of the trade creditor than to prejudice him. These trade debts having brought in for the purpose of conciliation only, the creditor will not be affected in any way unless the trader agrees to the conciliation. How then can he suffer ?

Mr. M. N. Paramesvaran Pillai: Where is the provision in the Bill for a man who is both an agriculturist and a trader?

Mr. Kayalam Paramesvaran Pillai: That is a different matter. Mr. Paramesvaran Pillai may ask me that question later on. Now I am dealing with trade debts.

Mr. G. Narayana Aiyar: May I know whether Clause 19 deals with traders also ?

Mr. Kayalam Paramesvaran Pillai: Yes, because it is a part of the conciliation provisions. I was saying that these trade debts having been brought in only for the purpose of conciliation, the creditor will not be prejudiced. (*At this stage the President vacated the Chair and it was then occupied by Mr. V. S. Arumukham Pillai, (Thovala cum Agasteesvaram) one of the Panel of Chairmen.*) And it is so brought in the interest of the trade creditor and not with a view to prejudice him. If the trade debts also are not included, for purposes of conciliation, the trade creditor will not get a share when the assets of the debtor are appropriated by the conciliation agreement.

Mr. G. Narayana Aiyar: May I know whether the debts due to a trader are given any sort of preference over others ?

Mr. Kayalam Paramesvaran Pillai: No, nobody is given preference as such. The trade creditor gets an opportunity to go to the Board because trade debts go in for conciliation. It is open to him to go and say that he is not prepared to the conciliation agreement. In that case the whole conciliation falls to ground, not merely in regard to the trade debts but also in regard to all other debts. In other words, no adjustment of the debtor *could be* made behind the back of the trade creditor. Is not that to the advantage of the creditor ? If any arrangement is made behind his back he may be prejudiced. Then why the complaint from the trader that the debts due to him are brought in for conciliation ?

What I said about trade debts will apply equally to rent and *michavaram*. If such dues are not brought in for conciliation they are liable to be overlooked and excluded when the debtor's affairs are settled by conciliation.

Mr. M. N. Paramesvaran Pillai: It was stated by the Law Member that trade debts are brought in only for conciliation. May I know whether even if a trader is become jointly liable with the Karanavan he will get the benefit of the Regulation ?

Mr. Kayalam Paramesvaran Pillai: That is a different question. I do not propose to answer it now. Mr. Paramesvaran Pillai may ask that question later on. What I am now saying is that the criticism about trade debts being included for conciliation is founded on a misconception as to what conciliation is and that the same applies to the criticism about rent and *michavaram* also. It is really to the benefit of the creditor that these claims are included in the conciliation.

Mr. G. Narayana Aiyar: Is there any difference in the principle of distribution of debts of trade, rent, etc.?

Mr. Kayalam Paramesvaran Pillai: No.

Mr. M. N. Paramesvaran Pillai: If all the parties do not agree the whole thing goes. Then why do you want a Conciliation Board ?

Mr. Kayalam Paramesvaran Pillai: I shall answer that question later on.

Another criticism, based again on misconception of what conciliation, is was that there is no statutory provision about the status of the Conciliation Officer. Now, the distinctive feature of our conciliation scheme is that every party before the Board must agree if there should be any effective conciliation. Where then is the necessity to have an officer with any special status? The conciliation takes effect because of the agreement. The Conciliation Officer never gives an *award* or a *judgment*. If it were so, some status may have to be fixed in the law itself in order to evoke confidence from the parties.

Mr. G. Narayana Aiyar : May I know whether there is any difference between the Madras Conciliation Boards and the Boards to be set up here ?

Mr. Kayalam Paramesvaran Pillai: I am coming to it presently. The status of the officer should be of special concern if he had to pass judgment which should *ipso facto* have force as a decree. No doubt the Conciliation Officer should be able to judge human nature and motives and he must also be able to lead the parties on and induce them to agree to a settlement. In short, he must be their friend, philosopher and guide. It is his special aptitude and his particular temperament to deal with men and things and his respectability and character that count in this. This does not depend upon the status of the Conciliation Officer. Status may be one consideration. But that is not the deciding factor.

Mr. M. N. Paramesvaran Pillai: Is it not most important ?

Mr. Kayalam Paramesvaran Pillai : I don't think that it is the *most* important factor. The most important thing is the character of the man and his personality so that he might extort confidence from the parties, and status has not much to do with this. If the Lord Chief Justice of England or the Lord Chancellor were to go over to Nemom and try to effect a conciliation between parties, of whom even Mr. M. N. Paramesvaran Pillai may be one, I don't think that Mr. M. N. Paramesvaran Pillai or the others will agree to the proposals of such a conciliation officer. Sir, what I have been saying is that the conciliation officer must be the friend, philosopher and guide of the parties rather than their judge. The parties must feel that here is a man whose advice I can safely

follow and who will look to my interest and on whom I have put perfect confidence. What counts with the parties in this is not quite the status of the officer. That is the practical difficulty with Government, to choose a person of the proper type. As Mr. Ramakrishna Pillai said, it may, after all, be a leap in the dark. But let us aim well and let us have a determination to succeed.

Mr. S. Piraviperumal Pillai: What is the barometer with which Government will find out the temperament of a particular man?

Mr. Kayalam Paramesvaran Pillai: I believe the honourable member himself is the right type of a person to supply the barometer.

Mr. G. Narayana Aiyar asked what was the distinctive feature of our Conciliation Board compared with those elsewhere. I may tell him that the distinctive feature is that conciliation under this Bill can be effected only with the consent of *every* party before the Board without a single exception. Suppose 99 out of one hundred agree and one disagrees, there cannot be a conciliation under our scheme. The question may be asked why should there not be a conciliation binding on the 99 and the debtor? Well, we do not accept it. That is our scheme, but not so elsewhere. In other places, if a fixed proportion of the creditors agree there will be a conciliation as regards *them*, but not as regards the dissentients who will be ignored Such provisions are found in Madras, Central Provinces and the Punjab. In Madras the Act provides that if 50 per cent of the creditors agree there may be conciliation as regards them. The result is that the debtor's properties may happen to be divided amongst them only. Then what about the other creditors? They *may* suffer if the Conciliation Officer is an inefficient man or a fool or a dishonest man. So there we want officers of status and there should be provision for priority of secured debts. In the Central Provinces the provision is that if 40 per cent of the creditors agree there will be conciliation amongst them and the other 60 per cent can be ignored. In the Punjab even if one creditor agrees with the debtor, there may be conciliation as between them and all the rest may be ignored.

Mr. G. Narayana Aiyar: Does the provisions of the Madras and the Central Provinces Acts say that all the other creditors can be ignored?

Mr. Kayalam Paramesvaran Pillai: That is the effect; any how without their consent there *can be* conciliation. What the Madras provision says is this. It is Section 14 of the Madras Debt Conciliation Act, 1936.

[Mr. Kayalam Paramesvaran Pillai].

(1) "If the creditors to whom more than 50 per cent. of the total amount of the debtor's debt is owing come to an amicable settlement with the debtor, such settlement shall forthwith be reduced to writing in the form of an agreement recording the amounts payable to *such* creditors",

and so on, and detailed provisions are given. But here the provision is that everybody without exception must agree. In such an arrangement there is assurance that none will be prejudiced in any manner, even by any folly or error of judgment of the Conciliation Officer. With this in mind consider the point of the trade debts and rent *michavaram* being brought into conciliation in our scheme and compare the provisions obtained in the Madras Act and the Punjab and the Central Provinces Acts adverted to already. There is no scope for any fraud or foul play or for any party being hustled into conciliation because the majority have agreed to conciliation and there is absolute assurance of every claim being provided for in the conciliation. In fact we are giving the maximum respect to vested interests. Under such an arrangement as is enacted in British India, the agreement may be effected amongst only *some* persons and that may cause hardship to those who do not agree and therefore there is necessity for the statute itself to provide for the status of the Conciliating Officer. Sir, in view of our scheme, an argument should have been advanced from the side of the debtors that I am rather sentimentally inclined towards vested rights and showing them undue respect. But I am surprised to find Mr. G. Narayana Aiyar telling the House that these provisions operate against vested interests and rights. He should have welcomed the provisions in the Bill because they protect vested rights to the extremest extent and he must have been thankful to the authors of this Bill.

Mr. G. Narayana Aiyar: Sir, in the Civil Procedure Code no authority is given to the officers to penalise secured creditors. May I know under what principle the conciliating officer should treat a secured creditor who comes for conciliation ?

Mr. Kayalam Paramesvaran Pillai: That does not arise at all here. Here nothing will be done to the secured creditor unless he agrees.

Mr. G. Narayana Aiyar: What I ask is, why priority is not declared in the statute itself to the secured creditor ?

Mr. Kayalam Paramesvaran Pillai: There is no occasion for it, and it will be quite irrelevant to the scheme of the Bill.

Mr. G. Narayana Aiyar: Originally the Bill contained a definition of secured credit but now we find it is omitted.

Mr. Kayalam Paramesvaran Pillai: There is necessity for it now, because conciliation cannot take effect unless everyone agrees.

Mr. N. Ramakrishna Pillai (*Vaikam cum Shertallai*): Is there no similar provision in the Insolvency Regulation that the secured creditor may give up his priority?

Mr. M. N. Paramesvaran Pillai: Has the learned Law Member come across any instance of a secured creditor giving up his security?

Mr. Kayalam Paramesvaran Pillai: Sir, I must give the palm to Mr. M. N. Paramesvaran Pillai in this matter and I will look up to him for light.

Now, Sir, another point on which there was some criticism was as regards the necessity for a Land Mortgage Bank.

Mr. M. N. Paramesvaran Pillai: What about the practical working of the Conciliation Boards?

Mr. Kayalam Paramesvaran Pillai: I will not omit it; I will come to it later on. If I do not, Mr. Paramesvaran Pillai may remind me by a question later on.

Now let me deal with the criticism that no provision is made in the Bill for the Land Mortgage Bank to advance money for paying off the conciliated debts. Now this comment is made on a wrong notion as to the appropriate function of the bank and the appropriate function of the Conciliation Board. This Bill provides for the creation of a machinery for conciliating debts and does not relate to the functions of the bank or the various duties of the bank.

There is no provision here for the creation of a bank, or to fix the responsibility among the members of the bank or to provide for the assets and liabilities of the bank or to lay down the method of the working of the bank. The advancing of money by a bank to pay off conciliated debts will be but one of the functions of a bank and we cannot lay down that any bank shall advance the money without dealing with the bank in other respects also and providing for every thing else. So far as the Land Mortgage Bank existing at present is concerned, it is a Government concern and Government do not want legislative provisions in respect of that, and whatever they could do would be done by administrative orders. But I may say that the question of bringing into existence a large Central Bank is under consideration of Government. That however is a different matter and has nothing to do with this Bill because this Bill is intended to provide only for the machinery for conciliating debts. What Clause **15** (*a*) of the Bill lays down is;

[Mr. Kayalam Paramesvaran Pillai.]

"That the debtor pay the creditor or creditors forthwith, or within a time to be fixed by the Board a lump sum in cash in full settlement of all debts, the amount of such lump sum being fixed by the Board having regard to the facts enumerated in Section 13 and to the amount which the debtor may raise be mortgaging his entire properties to the State Land Mortgage Bank or to somy such recognised institution".

The real point here is to indicate that cash payment would be an inducement for conciliation and that, that should be one of the methods of conciliation. As to how the bank will advance the money to pay off the conciliated debts, you must look to the rules of the bank and tell them : here is the conciliated amount ; will you please accept the debtor's property as security and advance the amount? The bank must themselves be satisfied as to the security and other means to advance money. If a Conciliation Officer says "I have looked into the property of this debtor and I find that it is worth Rs. ten thousand and that 5000 rupees may be advanced by the bank on the security of it" can any bank with a sense of responsibility act upon that and advance money? No. The bank must be satisfied of the valuation and the advisability of advancing the money.

Mr. M. N. Paramesvaran Pillai: Do not Government have confidence in their officer?

Mr. Kayalam Paramesvaran Pillai: Yes, to the extent of the official functions entrusted to him. If they appoint a surgeon, they will trust in him for doing a surgical work but not an engineering work. They will trust in their Conciliation Officer for doing the conciliation work but not the bank's work. The conciliator is a *conciliating* officer and not the bank's agent. So we cannot *compel* a bank to advance money merely on the recommendation of the Conciliation Officer. But it may be expected that he will consult the bank's authorities in deciding upon the conciliation. From all this, it must not be supposed that Government are shirking their responsibility for making money available through a bank. I may remind the House that even before this Bill was originally drafted Government recognised their resposibility. Shortly after the Agricultural Debt Redemption Committee presented their report, Government decided that the Land Mortgage Bank should advance money to pay off conciliated debts. That order was issued and published as a Press Note. In that, the Land Mortgage Bank was directed to advance money to pay off conciliated debts and that preference should be given to applications for such loans.

Mr. M. N. Paramesvaran Pillai: May I know whether there was any instance of help rendered by Government?

Mr. Kayalam Paramesvaran Pillai: I am not sure; I dare say that there may not be many in the absence of an accepted machinery for conciliation. This Bill will help in the matter. In the very nature of things you cannot expect the creditor and the debtor to meet together themselves and conciliate the debt. You want a friend, philosopher and guide who will intervene and stand between the creditor and the debtor; he will take the creditor with one hand and the debtor with the other and by persuasion induce an amicable settlement. It is that friend, philosopher and guide that we are setting up by this Bill. When there is conciliation, there will be "conciliated" debts and then the bank will come into play. But you cannot by this legislation compel the bank to advance moneys. If the bank happens to be a non-official concern owned by share holders, will the House ask the bank to advance money to pay off all these debts, merely on the strength of the conciliation?. That is the legal position. The bank must work through their own agents. As a matter of fact my idea is that when this conciliation scheme is put into operation it should be linked with the banks; agents of the banks should work in association or consultation with the Conciliation Officer. The Conciliation Officer must be able to tell the parties: "here is a bank which is prepared to advance such and such amount on the security of the debtor's properties; will you scale down, *i. e.*, conciliate the debts to that figure".

Mr. M. N. Paramesvaran Pillai: May I know how the valuation made by the Conciliation Officers would be accepted by the creditors? The Law Member was saying that the valuation of the assets of the debtor fixed by the Conciliation Officer cannot be accepted by the banks. Then what is the fun of asking the debtors, including other banks, to accept the valuation fixed by the Conciliation Officer?

Mr. Kayalam Paramesvaran Pillai: My Bill does not ask that they *should* accept. The Conciliation Officer will only say: "here is a bank that will advance so much money for the property; are you, the debtor and the creditor, prepared to accept the arrangement?" If they are, it is all right; if not, nobody is compelled.

On all occasions and wherever any difficulty or doubt is felt, apply the tests of the special feature of conciliation that it can come into effect only if it is agreed to by *everybody*.

Mr. M. N. Paramesvaran Pillai: May I know how the Law Member expects that these debtors would pay the debts even after it is fixed by the Conciliation Officer?

Mr. Kayalam Paramesvaran Pillai: If they are to pay the debts in cash, somebody must find the cash. That cash is ordinarily expected to be obtained with the help of some bank.

Now in regard to the criticism that if *everybody* should agree in order to make the conciliation effective how is any conciliation going to take place at all? Will not somebody object and make conciliation impossible? The reply is firstly that the debtor and creditor are after all human beings and are being led by the hand by the Conciliation Officer as by a friend, philosopher and guide. As such, all reasonable proposals are likely to be acceptable to both if they are believed to be reasonable in the circumstances. No doubt, when money is the question at issue they will agree only on business considerations. Even so, conciliation is a practical proposition. If, for instance, the Conciliation Officer can place before the creditor the offer of a lump sum even though it may be a scaled-down amount, every creditor is likely to agree. I need not dilate on it. That is the inducement to the conciliation indicated in sub-clause (*a*) of Clause 15. In the method in sub-clause (*b*) the properties of the debtor are actually distributed amongst the creditors and the Conciliation Officer says in effect: "here are the properties distributed amongst you all, please take it and be done with your debts". The creditor has the inducement of an immediate settlement then and he may agree on that consideration. The third method in sub-clause (*c*) is to give forthwith a portion in cash and give security for the balance to be paid in instalments. This is an expeditious settlement and creditors may agree on that consideration. The creditor will also note that if he refuses to agree and goes to court, there may be a lot of difficulties and in the end he may not after all get much more than was offered by the Conciliation Officer as an immediate settlement.

Mr. M. N. Paramesvaran Pillai: Will money be forthcoming under this provision?

Mr. Kayalam Paramesvaran Pillai: Yes, money or money's worth. The creditor after all is not a wicked man. He has no animosity to the debtor. He desires to live in friendliness with the debtor who is perhaps also his neighbour. He only wants to get his money to the extent reasonably possible, or get money's worth, according to his needs. If for instance the creditor is a merchant he may require cash for the moment; then he would accept a small amount in cash in full settlement. Or he may be a cultivator himself; if so, he would prefer to get some land in lieu of the money due to him. Or, he may be a rich money lender and he may be satisfied if there is security for payment in instalments

though spread out for a long period. There are all inducements to agree to a conciliation. The Conciliation Officer's merit lies in finding out that thing that will be acceptable to all. There is also the penalty for not accepting a fair conciliation, namely the forfeiture of costs or reduction of interest. That penalty is not much and by itself may not achieve much. But still it acts as some compulsion. The three inducements referred to are the important motives. It is conceived that with these three tons of persuasion and the one ounce of compulsion, conciliation would become a practical proposition.

Mr. S. Piraviperumal Pillai : But there is not one grain of advantage.

Mr. Kayalam Paramesvaran Pillai : Then the creditor will not accept the conciliation,

Chairman : The House will now adjourn for lunch and reassemble at 2.

The House adjourned for lunch at 1 P. M. and reassembled at 2 P. M. with Mr. V. S. Arumukham Pillai, one of the Panel of Chairmen, in the Chair.

Mr. Kayalam Paramesvaran Pillai : When the House adjourned for lunch I was trying to explain that even though conciliation cannot become effective unless it is assented to by each and every one of the parties before the Conciliation Board, it need not for that reason become impracticable because there are persuasions that will induce the acceptance of the conciliation besides of course the small compulsion provided by Clause 19 which gives power to the court to disallow costs or reduce interest. This compulsion is not much after all. It is only one ounce of compulsion by the side of the three tons of persuasion.

A criticism was then made here that the big debtors need not be given any consideration at all by this Bill. I can understand the principle that the small debtors deserve greater sympathy and consideration at the hands of Government. But that need not necessarily mean that the big debtor should be put out of consideration. He may also be protected if that can be done with the resources available to the State and without prejudice to the smaller debtors. Now it will be seen that this Bill contains various methods of relief. We provide, for instance, in Clause 33 that a decree may be converted into an instalment decree. That is an appropriate relief to the big debtor. Why should you deny it? He may not deserve an advance of money from the State Land Mortgage Bank. But why not he be given this benefit of instalment payments. Then again look at the provision for reduced interest. Again some of the methods of conciliation, as for instance, the distribution of the property of the debtor amongst the creditors or arrangement

[Mr. Kayalam Paramesvaran Pillai.]

for instalment payments are appropriate means of relief to the big debtors which need not be denied to them. Therefore there is no meaning in leaving out the big debtors.

Mr. G. Narayana Aiyar : Why not all debtors be given relief irrespective of agricultural or any other category.

Mr. Kayalam Paramesvaran Pillai : That is a much larger question and does not arise now. Agriculturists form the bulk of the population of the State, and agriculture forms the basis of all wealth in this State. The agriculturists are the roots of the tree of State which bear the big fruits, say the industrial magnate or the Government official. To preserve the agriculturists is not merely an impulse of sympathy. It is born of the instinct of self-preservation. If the State wants to exist, it must have the agriculturist. If he is gone, the State is gone; and so the State, perhaps out of selfishness, intervenes and protects the agriculturist.

Then again a criticism levelled was that conciliation was expropriatory. That also is very easily answered by the test that I laid down. For just think that conciliation would become effective only if all the parties agree to it. Apart from that, is not insolvency expropriatory in some sense, not of course in the correct sense. In insolvency you may get as dividend perhaps only one anna in the rupee. That cannot be helped. Such is the principle, the principle of the law of insolvency that underlies conciliation. Only we are not making the agriculturist an insolvent and attach a stigma to him. We do not want to make the agriculturists insolvents or paupers. On the other hand, the State wants the agriculturists to be set up as a respectable class to till their land peacefully and without any molestation and thus to increase the wealth of the State.

Mr. M. N. Paramesvaran Pillai : May I know whether there is any difficulty in conferring the powers on the courts of the country instead of on the conciliation officers?

Mr. Kayalam Paramesvaran Pillai : That would be something like asking the Chief Engineer to perform the duties of a surgeon, because while the function of the Chief Engineer is building, the function of the surgeon is a surgical operation. So also, the function of the Conciliation Officer is to propose things on discretion and not to judge according to rules of law. As I very often said, the Conciliation Officer should be a friend, philosopher and guide and conciliate; it is not a question of anybody administering the law.

There is only one more point to deal with and that is in regard to one of Mr. Paramesvaran Pillai's criticisms. He said that a man who is able to cultivate one cucumber in his back yard is also an agriculturist under the definition proposed. Such criticism may raise roars of laughter. But it discloses a very lamentable lack of care in perusing and understanding the clauses in the Bill.

Mr. M. N. Paramesvaran Pillai: What about the subsequent clauses?

Mr. Kayalam Paramesvaran Pillai Living by agriculture does not mean that he lives by raising one cucumber for all the 365 days of the year. Everybody knows that a man cannot live all the 365 days on one piece of cucumber.

Mr. M. N. Paramesvaran Pillai: Suppose he gets half a dozen cucumbers?

Mr. Kayalam Paramesvaran Pillai: Even that is not sufficient. If the raising of one cucumber can be considered the main source of living for a man for a year then I can scrap this Bill and go home and ask everybody to go and live upon one cucumber a year. I can very well understand discerning criticisms. But I regret very much that such criticisms are offered without even carefully reading the clause concerned.

Mr. M N. Paramesvaran Pillai: The Law Member is a little bit exaggerating what I said, Sir.

Mr. Kayalam Paramesvaran Pillai: That is the substance of what he said, Sir. If he does not want this Bill, let him throw it out by all means. If there is anything in the Bill advantageous to the agriculturist then let him pass it. But let us not spend time in such criticisms. This is not the sort of criticism that a business-like body like ours should make against a Bill in this House. Sir, it may be a very amusing and very interesting pastime. But everybody knows that Rome was burning when somebody was fiddling. The agriculturist wants this law for obtaining relief and is waiting for it. Are we to sit here indulging in such criticisms? Let me appeal to the House to pass this Bill as early as possible, so that it may very soon become law.

Chairman: The motion before the House is that the Agriculturists' Relief Bill, as passed by the Sri Mulam Assembly, be taken into consideration of this House.

The motion was put and carried.

Mr. Kochikal P. Balakrishnan Tampi (*Karthikapally and Mavelikara* cum *Kunnathur*): I demand a poll.

A poll was taken and the House divided as follows;

AYES—22.

1 Mr. M. N. Narayana Menon	12 Mr. M. Govindan
2 „ K. P. Nilakanta Pillai	13 „ N. Ramakrishna Pillai
3 „ K. Padmanabha Panikkar	14 „ K. Rama Varma Raja.
	15 „ Komilezhathu Sankaran
4 „ N. K. Padmanabha Pillai	16 „ A. N. Visvanatha Pillai
5 „ H. O. L. Marikkar	17 „ K. Madhava Kurup
6 „ M. P. Madhavan Pillai	18 „ K. Paramesvara Panikkar
7 „ Eric Hall	
8 „ Sayed M. Bava	19 „ A. Rengasvami Aiyar
9 „ Kochikal P. Balakrishnan Tampi	20 „ James Simpson
	21 „ K. George
10 „ C. M. Joseph	22 „ Kayalam Paramesvaran Pillai.
11 „ J. John Kattakayam	

NOES—3.

1 Mr. G. Narayana Aiyar	3 Mr. K. N. Kesavan Namputiripad
2 „ S. Piraviperumal Pillai	

NEUTRAL.

Mr. M. N. Paramesvaran Pillai.

The motion was declared carried, 22 voting for, 3 against and one remaining neutral.

Chairman: Now we may proceed to the discussion of the Bill, clause by clause.

With regard to amendments 1, 2, 3 and 79 * in the list of amendments this is my ruling —

> The principles relating to amendments are clear. An amendment cannot be moved if it is irrelevant to the Bill, or beyond the scope of the Bill or of the clauses under consideration. An amendment which is equivalent to a negative of the Bill has also been ruled out of order. These principles are well known and are enunciated in pages 404 and 405 of May's Parliamentary Practice, as also in our Standing Orders.
>
> Bearing these principles in mind, the amendment, proposed by Mr. M. N. Paramesvaran Pillai to substitute the word 'debtors' for the word 'agriculturists' and to carry out consequential amendments, is really tantamount to such a modification of the essential ideas of the Bill as to be, in essence, inconsistent with it. I therefore rule that these amendments are out of order.

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* The amendments referred to are:

Title.

1. MR. M. N. PARAMESVARAN PILLAI:
   (a) For the word "Agriculturists" substitute the word "Debtors".
   (b) In lines 2 and 3, omit the words "in relief of agricultural indebtedness" and substitute the words "for the relief of debtors".

Clause 1.

Mr. G. Narayana Aiyar : Sir, I move the following amendment.

In sub-clause (*b*) add at the end "and shall be in force for a period of two years".

Chairman : Anybody to second it?

Mr. M. N. Paramesvaran Pillai : I second it.

Mr. G. Narayana Aiyar : I would submit that, the Debt Redemption Committee which submitted the report have clearly stated on Page 121 that the relief measures proposed are temporary and that it was necessary only for three years. The report was submitted on 1st October 1935. Since then conditions have improved. Even if we accept the recommendation of the Committee, one year has elapsed and this measure is necessary only for about

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The title as amended will read thus :—

The Travancore Debtors' Relief Bill.

A Regulation to make certain provisions for the relief of debtors.

Preamble.

2. MR. M. N. PARAMESVARAN PILLAI :

For the words "in relief of agricultural indebtednes" substitute thes words " for the relief of debtors".

The Preamble as amended will read thus :—

Whereas it is expedient to make certain provisions for the relief of debtors ; It is hereby enacted as follows :—

PART I.

Clause 1.

3. MR. M. N. PARAMESVARAN PILLAI :

Sub-clause (*a*). Substitute the word "Debtors" for the word "Agriculturists".

The sub-clause as amended will read thus :—

(*a*) This Regulation may be called The Travancore Debtors' Relief Regulation.

PART III.

Clause 33.

79. MR. M. N. PARAMESVARAN PILLAI :

Omit Clauses 33 to 36 and substitute the following as Clauses 3 to 6.

"3 Notwithstanding anything contained in any law, contract, decree, or order of court, no court shall allow recovery of more than six per cent interest on any debt either subsisting on, or contracted after the date of the commencement of this Regulation.

4. (i) Notwithstanding anything contained in any law or contract no court shall, in respect of the period antecedent to the institution of the suit, allow a higher rate of interest than six per cent per annum and the amount adjudged as interest for such period shall not exceed one-half of the principal amount sued for.

[Mr. G. Narayana Aiyar.]

two years. If prolonged it is capable of doing a lot of mischief. It is not a Bill which should be in the Statute Book permanently. The price of cocoanut has risen to Rs. 4 per hundred as anticipated by the court and the same is steady. The price of staple products of export like rubber, tea, cardamoms etc. have risen steadily and may not go down due to restriction schemes, circulars and control regulations. As such if a Bill is thought necessary it shall remain in force only for 2 years and hence the amendment.

Mr. Kayalam Paramesvaran Pillai: Sir, I oppose the amendment. As I stated in my opening speech though there is some increase in prices, still it cannot be said to have improved the situation. As has been very rightly stated, even though price of cocoanuts has gone up a little, the number of nuts available is considerably reduced. Therefore it is only right that we should try this measure for some time.

(ii) Notwithstanding anything contained in any law or contract no court shall, in addition to the interest awarded under sub-clause (i) decree payment of interest on the principal sum adjudged of such amount as may accrue at a rate not exceeding six per cent. from the date of suit to the date of decree and the amount adjudged as interest for such period shall not exceed one-half of the principal amount sued for.

(iii) Notwithstanding anything contained in any law or contract, no court shall, in addition to the interest decreed under sub-clauses (i) and (ii) decree future interest at a rate higher than six per cent. on the principal sum from the date of decree to the date of realisation and the amount adjudged as interest for such period shall not exceed one-half of the principal amount sued for.

5. Notwithstanding anything contained in any law, contract, decree or order of court, no interest shall accrue or permitted to be recovered as accruing in respect of any debt due in paddy or grain at any rate exceeding nine per cent. per annum.

6. (i) Notwithstanding any law, contract, decree or order of court, a debt subsisting on the date of the commencement of this Regulation shall be deemed to have been fully discharged if the debtor is able to pay sixty-five per cent. of his debt including interest calculated at six per cent, within a period of two years from the date of this Regulation.

(ii) In default of payment under sub-clause (i) the debt shall be deemed to be fully discharged if the debtor pays seventy per cent. of the debt in the third year, seventy-five per cent. in the fourth year, eighty per cent. in the fifth year, eighty-five per cent. in the sixth year, ninety per cent. in the seventh year, and ninety-five per cent. in the eighth year."

Mr. S. Piraviperumal Pillai: Sir, In supporting the amendment I beg to submit that if this amendment is now accepted the hardship of the agriculturists may be relieved and at the same time the creditor may not be put to great hardship. As has been pointed out by Mr. Narayana Aiyar, prices of rubber, tea and other commodities have risen. If this Bill had retrospective effect, then the agriculturist would have been relieved for the period he was actually suffering from depression. Relief was found necessary and intended for the period of depression between 1105 and now. According to this Bill the relief that would come is for a period from next year *i. e.*, at a period when prices have gone up and the agriculturist is expected to fare better.

Mr. Komilezhathu Sankaran: May I know from the member whether the price of paddy has risen?

Mr. S. Piraviperumal Pillai: I am coming to that.

The prices of rubber and tea are on the increase and we are slowly passing the depression period; and the clouds are lifting so far as they are concerned, we have almost jumped over the hurdles and rounded the corner. That being so it is hard to ask the creditor who advanced money, to give up what possibly he can expect to get as interest. If a scorpion stung a cocoanut where is the use of removing the poison from a tamarind tree? Three years ago the agriculturists suffered; prices were low and they were in need of relief. Now when prices are going up and there is chance of higher return, why should the creditor suffer?

With regard to paddy, I cannot say that prices have not gone up. I do not say that the prices are the same as before depression time but however prices have really gone a little up. Therefore I support the amendment moved by Mr. Narayana Aiyar.

Mr Kochikal P. Balakrishnan Tampi: Sir, I oppose the amendment. We are not concerned with an academic discussion whether the depression has vanished or not. Although it may seem a paradox, the depression has almost become normal. There is no point in restricting the operation of the Bill to two years. I may point out that the Legislature will continue to function even after two years and if the Legislature then thinks that there is no necessity for this law it is open for it to cancel the Bill. As it was said at the very outset, this measure does not bring adequate comfort to the debtors. But this measure is intended to prevent certain developments which should be prevented and which I am sure will develop in the State unless there is at least some show of protection. If it is shown that the Government and the Legislature are indifferent to the cries of poor people, certain developments might take place here. Therefore, I appeal to this House not to accept the amendment. With these words I oppose the amendment.

(At this stage the President occupied the Chair).

Mr. J. John Kattakayam : സർ, ഞാൻ ഈ ഭേദഗതിയെ എതിർക്കുന്നു. റബ്ബർ തേയില മുതലായ ഉല്പന്നങ്ങൾക്കു വിലയുണ്ടെന്നും മററും ആണ് ഈ ഭേദഗതി കൊണ്ടുവരുന്നതിനു കാരണമായി പറയുന്നതു്. അവർ ഇതിൻെറ സ്ഥിതിഗതികളുടെ വാസ്തവം ശരിയായി അറിയാമെങ്കിലും ബില്ലിനെ ഇല്ലാതാക്കണമെന്നുള്ള ഉദ്ദേശമാണ് ഇതിനെ പ്രേരിപ്പിക്കുന്നതെന്നു സംശയിക്കേണ്ടിയിരിക്കുന്നു. ഉല്പന്നങ്ങളുടെ വിലകൾ യാതൊരു വ്യത്യാസവും പറയത്തക്കവിധത്തിൽ ഇതുവരെ ഉണ്ടായിട്ടില്ല. അതിനാൽ മൂന്നു കൊല്ലത്തേക്കു പകരം രണ്ടു കൊല്ലത്തേക്കായി മാത്രം ഈ നിയമത്തിൻെറ കാലാവധി കുറക്കുന്നതിൻെറ ആവശ്യവും എനിക്കു മനസ്സിലാകുന്നില്ല. നാളികേരത്തിനു ഇപ്പോൾ വിലയുണ്ടെന്നു പറയുന്നു. മുൻപ് കിട്ടുമായിരുന്ന എണ്ണത്തിൻെറ പത്തിലൊന്നു നാളികേരം ഇപ്പോൾ കിട്ടുന്നില്ല.

Mr. A. N. Visvanatha Pillai (*Quilon cum Karunagapalli*): നാളികേരത്തിനു ഇവിടെ ചില മെമ്പർമാർ പറയുന്നതുപോലെ വാസ്തവത്തിൽ വിലക്കൂടുതലുണ്ടോ?

Mr. J. John Kattakayam: വാസ്തവത്തിൽ നാളികേരത്തിനു വിലകൂടീട്ടില്ല. ൧൦൦-ക്കു ൪ രൂപ വിലയുള്ളതായി ഞാൻ അറിയുന്നില്ല. അങ്ങിനെ വിലയുണ്ടെന്നു പറയുന്നതു് അബദ്ധമാണ്. കഴിഞ്ഞകൊല്ലത്തെ അനാവൃഷ്ടിയും കാലപ്പിഴയും മററുംകൊണ്ടു് നാളികേരം ഇക്കൊല്ലത്തിൽ വളരെ കുറവാണു. പിന്നെ റബ്ബറിനും തേയിലക്കും വിലക്കൂടുതലാണെന്നു പറയുന്നുണ്ടു്. ൧൦൭-നു മുമ്പു് റബ്ബറിൻെറ വില എന്തായിരുന്നു? ഭേദഗതി കൊണ്ടുവന്ന മെമ്പർ അതിനു സമാധാനം പറഞ്ഞാൽ കൊള്ളാമായിരുന്നു. റബ്ബറിന് ൧൦൭-നെ അപേക്ഷിച്ചു നോക്കുമ്പോൾ വലിയ വിലക്കൂടുതലുണ്ടെന്നു പറയുവാൻ നിവൃത്തിയില്ല. പിന്നെ തേയിലയെപ്പററിയാണ്. തേയിലകൊണ്ടു് കാലയാപനം ചെയ്യുന്നയാളുകൾ നമ്മുടെയിടയിൽ എത്രപേർ ഉണ്ടു്? അന്യദിക്കുകാരും യൂറോപ്യന്മാരുമാണു തേയിലകൃഷി അധികം നടത്തുന്നതു്. തേയിലയിൽ നാട്ടുകാർക്കു എന്തുകിട്ടുന്നു? റബ്ബറിനു വില കുറച്ചു കൂടി എന്നു വിചാരിച്ചാലും വളരെ കുറച്ചു പേർ മാത്രം ആ കൃഷിയിൽ ഏർപ്പെട്ടിരിക്കുന്ന നിലക്കു അതുകൊണ്ടു രാജ്യമൊട്ടുക്കുള്ള കർഷകർക്കു എന്താശ്വാസം ലഭിക്കുന്നു? ഭൂരിപക്ഷം ജനങ്ങൾക്കുള്ള ആശ്വാസത്തിനു വേണ്ടിയാണു ബിൽ നിർമ്മിക്കുന്നതു്. ജനങ്ങൾ ഇന്നും ദാരിദ്ര്യത്തിൽ മുഴുകിയിരിക്കുകയാണ്. ഈ വക കാര്യങ്ങളാൽ ഞാൻ ഭേദഗതിയെ എതിർക്കുന്നു.

The amendment was put to vote and lost.

The question that Clause 1 stand part of the Bill was put and carried.

Clause 1 was added to the Bill.

Clause 2.

Mr. G. Narayana Aiyar: I beg to move the following amendment :—

> In Clause 2, sub-clause (a), line 1, add after "person" "whose yearly income from sources other than agriculture does not exceed Rs. 500 and whose aggregate Income from all sources does not exceed Rs. 1,000 and".

It is highly necessary to fix a limit of income of the debtor who is to be given relief under this Bill. There is such a limit prescribed in all such legislations elsewhere. The Report of the Committee says that the total amount of debts is about 26 crores of rupees. Certainly, it will not be possible to give relief to all the debtors; all the money necessary may not be available. Therefore, with the money available, it is better to give relief to as many as possible. More than 80 per cent of the debtors owe only Rs. 2,000 or less. It is better that the majority of the debtors are given relief and with limited funds to give relief to all is impossible.

Further, the High Court also have stated in their memorandum that, in Madras, debts exceeding Rs. 2,000 do not come under the purview of the Board, and that the Government, in the Rules to be framed by them, may fix a similar limit here also.

Mr. S. Piraviperumal Pillai: I second it.

Mr. Kayalam Paramesvaran Pillai: I oppose the amendment. The limitation in regard to the income of the debtor, may, perhaps, in theory, appear to be sound. But as I stated in my speech on the motion for the consideration of the Bill, there are very many provisions in the Bill which, in their nature and substance, are appropriate to large incomes and large debts. The only limitation that can perhaps be appropriate will be in regard to the advances to be made by the Land Mortgage Bank. But that is not an essential part of conciliation. That aspect may be left to be decided by the authorities of the bank, who are to make the advances.

As it is, I oppose the amendment.

Mr. J. John Kattakayam: ഈ ഭേദഗതിയെ ഞാൻ എതിർക്കുന്നു.

The amendment was put to vote and lost.

Mr. G. Narayana Aiyar: I beg to move the following amendment: —

In Clause 2, for sub-clause (e) substitute "'Debt' means any liability of an agriculturist, not exceeding Rs. 2,000 and incurred for the purpose of agriculture, due in cash or kind, secured or unsecured payable under a decree or order of a civil court or otherwise and whether mature or not, but shall not include:

(i) any debt or liability due to Our Government, or

(ii) any land revenue or anything recoverable as an arrear of land revenue, or

(iii) any amount for the recovery of which a suit or application is barred by the law of limitation for the time being in force, or

(iv) any debt incurred for purposes of trade, or

(v) any debt due to a Co-operative Society, or

(vi) any debt arising out of any transaction of the nature of a lease including a *kanapattam* transaction falling within the purview of the Travancore Jenmi and Kudiyan Regulation of 1071."

Sir, in all other similar enactments, in Mysore and in Madras, for instance, such a limit has been prescribed. Such a limit will afford relief to the maximum number of debtors. That is my argument in regard to the first portion of the amendment.

In regard to the subsequent portions of the amendment relating to the various kinds of debts which I seek to exclude from the definition of 'debt', they are not agricultural debts strictly speaking. If trade debts, for instance, are not excluded, trade is sure to be paralysed, trader will not sell things on credit system. If the *pattam* on lands leased is not excluded, no property will be leased out in future. After all, Sir, *pattam* is the landlord's share of the *profit* that comes out of the land leased. It has absolutely no resemblance whatsoever to debts. The agriculturist has not sufficient property with him for cultivation and he may have to starve. I therefore submit that these items may be excluded.

Mr. K. N. Kesavan Namputiripad (*Jenmies*): I second the amendment. Sir, in the original Bill these items have been excluded. It is the Select Committee that has introduced them. While the Law Member argued that the inclusion might not harm the Jenmies, he did not adduce any reason in support of such inclusion.

Mr. Kayalam Paramesvaran Pillai: I oppose the amendment. I shall not take up any time, as I have dealt with this matter at length in my speech moving for the consideration of the Bill.

The amendment was put to vote and lost.

Mr. S. Piraviperumal Pillai: Sir, in moving the following amendment: —

In Clause 9, sub-clause (e). after (iii) add as part (iv) the words "any debt or other liability due to traders",

I beg to submit that traders as a class have suffered equally if not more than the agriculturists, on account of the fall in prices. This fact has been testified to by the Committee in page 27 of their Report, where they say—

"The trading community, for instance, has also been severely hit by the depression".

Sir, this Bill, while seeking to give relief to the agriculturist, should not in any way injure the trader. The fall in prices has affected the trader also. The Economic Depression Enquiry Committee have clearly stated in their Report that the merchants had been compelled, by the fall in prices, to sell at a price lower than their cost price, and that if they had thought of keeping their stock with the hope of selling at higher prices, they would have had to wait indefinitely to their detriment and loss.

Sir, the amounts due to the trader are not like the debts due to the money lenders. The trader has himself borrowed and has converted the money into goods. And, he has to pay his creditor or banker in full ; this ill does not seek to give him any relief. On the contrary, this works a great hardship on him. Sir, what was his plight when prices suddenly went down? He had to sell his goods according to the market value. The market value went down by 50 and 60 per cent. So, he had to sell the goods for half of what he bought them. Now he has to go before the Conciliation Board and wait for years to get back his money in instalments of 12 and 15. It is a matter of common knowledge that Travancore commercial community suffers for want of finance. That fact has been clearly stated in the report of the Economic Depression Enquiry Committee. There it is stated :—

"The immediate difficulty of the Travancore merchants is finance. This is especially true in the case of those who are engaged in the manufacturing and exporting business. The times are so bad that even those who are habituated to doing straight business, frequently find themselves involved in financial embarrassments on account of certain market conditions and restricted credit facilities. Those who had stocked goods lost heavily. Obviously there have been many failures among traders of this class, The rural retail trader depends almost entirely on credit allowed him by the urban traders. The local money-lenders and the chitties have ceased to be of assistance to him".

What shall we do for continuing our trade? He is really in difficulty and is being hampered on both sides. On the one side he has to give interest at the stipulated rate to the banker and on the other side he cannot get money from the agriculturists to whom he has sold his commodity

[Mr. S. Piraviperumal Pillai.]

at half the price he bought it. Now he has to go before the Conciliation Boards and wait for years. How is he to get on? If there is no credit in the country how can trade go on? Therefore I submit that the debts due to traders should be excluded from the purview of this Bill. I see that there are certain other classes of dues which are excluded from the purview of the Bill such as debts due to Government, land revenue or anything recoverable as an arrear of land revenue etc. Therefore I ask, why not the debts due to traders also be exempted? As I said, it is not money that he has given. He stocked goods at high prices and he had to sell them at very low prices.

Mr. Komilezhathu Sankaran: What about the agricultural commodity stocked by the traders?

Mr. S. Piraviperumal Pillai: I am very glad Mr. Sankaran also supports me. There is difficulty on that account also. The credit of the country also has gone down. Without credit how can the traders get on? He has to get down goods from British India. Already a scare has been created and we are now not able to get down goods from British India. The traders are therefore placed in that difficulty also. Therefore I submit that the debts due to traders should also be exempted.

Mr. Sankaralingam Pillai: I support it.

Mr. Kayalam Paramesvaran Pillai: I agree with that portion of Mr. Piraviperumal Pillai's speech which said that trade debts should not be prejudiced. That is the very reason why I include trade debts within the provisions of the Bill relating to conciliation excluding from others. Trade debts are included only for the purpose of conciliation and not for any other purpose. They are included for the conciliation with a view to see that the particular creditor is not prejudiced by a conciliation made behind his back. I do not want to repeat all that I said on the motion for consideration.

President: The motion before the House is that—

> "In Clause 2, sub-clause (c) after (iii) add as part (iv) the words *any debt or other liability due to traders*".

The motion was put to vote and lost.

Mr. G. Narayana Aiyar : I beg to move the following amendment:—

> "In Clause 2, after sub-clause (*g*) add as sub clause (*h*) "Secured debt' includes mortgage debt or any debt for which there is security, lien or charge on immovable property created by deed, statute or otherwise".

In moving this amendment I would submit that I am supported by all authors of similar Bills. It cannot be denied that there is a clear distinction between secured and unsecured debts. This provision was inserted in the original Bill. Owing to what circumstance it was omitted we do not know. There are similar provisions in the Madras Act, in the Baroda Act and in the Mysore Act. It also finds a place in the Civil Procedure Code. Whenever debts are realised in execution, secured creditors come first and then others in their order. The Transfer of Property Act recognises it and the Insolvency Act recognises it. What then was the necessity to postpone the right of the secured creditor against the unsecured creditor is not clear. Secured creditors advance money at low rates of interest. The Bill has not altogether overlooked the difference between secured and unsecured creditors. In the case of future interest there is provision which says that secured creditors must get a certain lower rate of interest and unsecured creditors can realise a higher rate of interest. Now I will refer to the observation of the Judges of the High Court. It says:—

> "The absence of any provision recognising the priority of secured debts over unsecured ones is somewhat disturbing. That the sanctity of the secured mortgages and other solemn secured contracts is proposed to be set aside, may really be regarded as being confiscatory in nature."

Courts of justice which are competent to give a definite opinion have declared in emphatic terms that it is a mistaken position that is taken by the Bill. I submit that under such circumstances my amendment may be allowed. After having invited the opinion of the Judges of the High Court who are the best authorities in matters of legislation and when they have entered their opinion in clear terms, to disregard the same will be highly discourteous to them.

Mr. Kayalam Paramesvaran Pillai : I shall not take up any time of the House in attempting to answer these questions. I have already taken a long time in explaining the implications of the Bill. I will only say that Mr. Narayana Aiyar is quite wrong in his contentions. The interest of the creditors is affected only if they agree to the terms of the conciliation. I shall not say more

President: The motion before the House is as follows :—

> "In Clause 2, after sub-clause (*g*) add as sub-clause (*h*) "Secured debt' includes mortgage debt or any debt for which there is security, lien or charge on immovable property created by deed statute or otherwise".

The motion was put to vote and lost.

Mr. G. Narayana Aiyar: I move the following amendment :—

> "In Clause 2, add as sub-clause (i) 'Secured creditor' means a creditor who holds for his debt a security by way of mortgage, lion or charge on immovable property created by a deed, statute or otherwise".

Here also all civilised legislatures recognise that there is a good deal of distinction between a secured and an unsecured creditor. The Hon'ble Law Member has said that even if a secured debtor does not accept the terms of conciliation he does not lose his rights. I cannot understand that position. Even though it is said that conciliation is made on a voluntary basis, if the creditor does not consent to it he is penalised under the provisions of Section 19. If the debtors so desire they can put off payment and at the same time get the benefit of scaling down debt. The secured creditor is entitled to some preference. In Regulations passed in other States the penalty provided is comparatively small and will come into force only if the debtor is prepared to deposit the conciliated amount in time. Therefore I submit that the House may support my amendment.

Mr. M. N. Paramesvaran Pillai: Sir, I wish to say a few words. The provisions under this part of the Bill are not going to do any good to the traders in spite of the assurance made by the learned Law Member.

Mr. Kayalam Paramesvaran Pillai: Which is the amendment on which the member is speaking ?

Mr. M. N. Paramesvaran Pillai: I am speaking on amendment No. 26.

President: We are at amendment No. 25.

Mr. M. N. Paramesvaran Pillai: I thought we are on amendment No. 26.

Mr. Kayalam Paramesvaran Pillai: I am sorry that Mr. Narayana Aiyar does not catch my point. Perhaps it may be my fault. I oppose the amendment.

President: The motion before the House is as follows :—

> "In Clause 2, add as sub-clause (i) 'Secured creditor' means a creditor who holds for his debt a security by way of mortgage, lien or charge on immovable property created by a deed, statute or otherwise".

The motion was put to vote and lost.

The question that Clause 2 stand part of the Bill was then put and carried.

The Clause was added to the Bill.

Clause 3.

Mr. M. N. Paramesvaran Pillai: My amendment regarding substitution of the Clause was not allowed. It was ruled out by the Chair. Let the Law Member have the satisfaction of having this part of the Bill.

Mr. G. Narayana Aiyar: Sir, I move that in Clause 3, sub-clause (*b*), add

> "provided that the jurisdiction of the Boards established under Section 3, sub-section (1) (*a*) shall be so defined and adjusted as to include the whole State".

Sir, in moving this amendment I have to say that if the provision is left as it is, we would find that all debtors will not be benefited. If the idea of Government is to benefit all debtors this provision is to be amended suitably. It is to see that all are equally benefited that I move this amendment and commend it to the acceptance of the House. The wording as well as the Title of the Bill would show that all agriculturists in the State are intended and entitled to be benefited. That being the case why should Boards be established only in certain areas? To see that one debtor at a particular place where a Board is established is benefited whereas his brothers in another place who are equally affected are not to be benefited from no fault of their's is very deplorable. I submit that this amendment may be accepted by the House.

Mr. Kayalam Paramesvaran Pillai: I feel highly gratified to see that at long last, Mr. Narayana Aiyar has found his way to see eye to eye with me in appreciating the benefits of conciliation; for that is the implication of the motion that Conciliation Boards shou'd be established throughout the State. But there are practical difficulties in the way of accepting the motion. One honourable member called this conciliation "a leap in the dark". I would call it an experiment. The ambition of Government is to bring the benefits of conciliation to every body. But they can do this only by experimenting and by stages. With these words I oppose the amendment.

The amendment was put to the vote of the House and lost.

Mr. Kochikal P. Balakrishnan Tampi: Sir, I demand a poll.

Mr. M. N. Paramesvaran Pillai: Sir, on a point of order....

President: Order, Order. As a matter of fact I do not think that there is any necessity for a poll as I found only 3 persons were in favour of the amendment and that all the others were against. Therefore, it seems to me that it will be really supererogatory to take a poll.

The question that Clause 3 do stand part of the Bill was then put and carried. The Clause was added to the Bill.

Clause 4.

The question that Clause 4 do stand part of the Bill was then put and carried. Clause 4 was added to the Bill.

Clause 5.

The question that Clause 5 do stand part of the Bill was then put and carried. Clause 5 was added to the Bill.

Clause 6.

Mr. G. Narayana Aiyar: I beg to move that in Clause 6 sub-clause (1) (*d*) the semicolon be omitted and after 'and' the followingbe inserted:—

"he is unable to pay his debts ; and".

The House will be pleased to note that it is only the debtor who is really unable to pay that has to be protected. Conciliation means scaling down the amount of debt.

Mr. Kayalam Paramesvaran Pillai: I question that.

Mr. G. Narayana Aiyar: Sir, conciliation really means scaling down of debts. If a debtor in his heart of hearts knows that he has to pay a certain amount and that he is unable to pay then why cannot the debtor boldly say in his petition that he could not pay back the debt. There is such a provision in the Insolvency Regulation as well as in the Medras Act. Wherein lies the difficulty in explaining his position before the Board and admitting his inability? Since he wants conciliation and since he wants to cut short the amount due from him why cannot he admit before the Board that he could not pay. With these words I move the amendment. When the creditor has to make the application he has to state that the debtor is unable to pay. Why should the debtor be allowed to maintain a false prestige? This amendment may be allowed.

Mr. M. N. Paramesvaran Pillai: Sir, I support the amendment proposed by Mr. G. Narayana Aiyar. Sir, there is a statement in Clause 6 Part I (*a*) that the debtor should give in his application the place where he resides and place or places where he holds immovable property. There is no necessity for a statement of that kind when the debtor is not made to admit himself that he

is unable to pay. On the other hand in the case of an application filed by a creditor he is compelled to state that the debtor is unable to pay. And we do not find similar condition imposed on the debtor when he wants to put in an application. I want to know why the Law Member has shown a partiality in the case of the debtor and should impose conditions on the creditor. Therefore there is much force in Mr. G. Narayana Aiyar's amendment and I support it

Mr. Kayalam Paramesvaran Pillai: Sir, I rise to oppose this amendment. In regard to the applications filed by the debtor there are serious objections to including this item. One of them is a sentiment that the debtor may be saved from the indignity of being obliged to make this statement. Further, in the present day conditions of the market the debtor will not be able to say positively that he is not able to pay his debts. For the prices are so uncertain.

Mr. M. N Paramesvaran Pillai: How can the creditor know the conditions of the debtor?

Mr. Kayalam Paramesvaran Pillai: Sir, the question is irrelevant now and I am not going to answer that. To continue what I was saying, it will be very hard if the debtor is compelled to state what may not after all be a fact according to his conscience and what is not after all quite necessary for conciliation.

Mr. G. Narayana Aiyar: May I know whether such a provision exists in any other Acts?

Mr. Kayalam Paramesvaran Pillai: I cannot say that. Perhaps it does. This Bill is entirely different from similar Acts elsewhere. After all it does not matter much what the debtor states and the work of a conciliating officer will not be affected by it.

Mr. M. N. Paramesvaran Pillai: Why should the creditor alone take the risk?

Mr. Kayalam Paramesvaran Pillai: I wish Mr. Paramesvaran Pillai will read the whole Clause.

Mr. G. Narayana Aiyar: Why is the other clause inserted?

Mr. Kayalam Paramesvaran Pillai: I will explain to Mr. Paramesvaran Pillai first. There is no obligation on the creditor that he must make the statement that the debtor is unable to pay his debts.

Mr. M. N. Paramesvaran Pillai: The same obligation is not with the debtor.

Mr. Kayalam Paramesvaran Pillai: The creditor may do so, His position is different. He can state merely on his belief.

Mr. M. N. Paramesvaran Pillai : If the creditor makes a statement not based on fact, is he not liable for defamation ?

Mr. Kayalam Paramesvaran Pillai : That will all depend... ...

The amendment was put to the vote of the House and lost.

The question that Clause 6 do stand part of the Bill was put and carried. The Clause was added to the Bill.

Clause 7.

Mr. G. Narayana Aiyar : Sir, I beg to move the following amendment :

> Add as Clause 7 : "The application shall be rejected if it does not comply with any of the requirements mentioned in Section 6. The rejection of an application under this Section shall not preclude the applicant from making a fresh application" and renumber subsequent Clauses accordingly."

Sir, the proceedings before the Board are stated to be quasi-civil in nature. The provisions of the Civil Procedure Code are practically made applicable to some of the proceedings. Section 6 clearly says what shall be contained in the application. The Civil Procedure Code as well as any other civilized legislation require it. Sir, this is a very anomalous provision which cannot be conceived of in any legal manner. Similar legislations in Madras and other places do not make such a provision. I submit the amendment may be passed by the House.

Mr. Kayalam Paramesvaran Pillai : I oppose the amendment of Mr. G. Narayana Aiyar. Mr. Narayana Aiyars complaint seems to be that the remedy provided is very cheap. If that is the only complaint that is a matter for laudation and congratulation. Now Sir, the real fact is, if the application does not contain all the provisions the conciliating officer will take necessary steps.... ... ...

Mr. G. Narayana Aiyar : May I know whether there is any provision for it ?

Mr. Kayalam Paramesvaran Pillai : Clause 7(1) says that "On receipt of an application under Section 4, the Board shall pass an order fixing a date and place for hearing the application." In Clause 20 also it is stated that an application under Section 4 may be dismissed by the Board at any stage of the proceedings.

Mr. G. Narayana Aiyar : Sir, that provision comes only at a later stage.

Mr. Kayalam Paramesvaran Pillai : Sir, what I was saying is that there is ample provision in the Bill.

The amendment was put to the vote of the House and lost.

The question that Clause 8 do stand part of the Bill was put and carried.

Clause 8 was added to the Bill.

Clause 9.

The question that Clause 9 do stand part of the Bill was then put and carried. Clause 9 was added to the Bill.

Clause 10.

Mr. G. Narayana Aiyar: Sir, I beg to move that in Clause 10 sub-clause (2), the following proviso be added:

> "Provided also that the Board shall not re-open settled accounts or settled transactions for ascertaining the existence or amount of the debt due to any creditor except in the manner provided by Section 14."

The Clause as it stands——

Mr. M. N. Paramesvaran Pillai: Sir, on a point of order. The honourable member has sent up another amendment to this Clause. He says "delete Clause 14." It is better that we take Clause 14 first and see the fate of it. If that is deleted this amendment cannot be considered.

President: There is a point in that. The honourable member says "except in the manner provided by Section 14." If Clause 14 is deleted this may not arise. I will not put this Clause now. Now Clause 11.

Clause 11.

Mr. G. Narayana Aiyar: I don't move the amendment to delete the Clause.

The question that Clause 11 do stand part of the Bill was put vote and carried, and the Clause was added to the Bill.

Clause 12.

President: Clause 12.

Mr. G. Narayana Aiyar: I don't move the amendment to delete the Clause.

The question that Clause 12 do stand part of the Bill was put to vote and carried, and the Clause was added to the Bill.

Clause 13.

President: Clause 13.

Mr. G. Narayana Aiyar: I don't move the amendment to delete the Clause.

The question that Clause 13 do stand part of the Bill was put to vote and carried, and the Clause was added to the Bill.

Clause 14.

President: Now Clause 14.

Mr. G. Narayana Aiyar: I move that Clause 14 be deleted. It says

> "If, in the opinion of the Board, there are reasonable grounds to suspect inequity in any transaction, such as, for example, that it is tainted by fraud, misrepresentation, undue influence, coercion, mistake of fact or collusion, the Board shall, in proposing and making the conciliation, go into the history of the transaction and may, in view of such history, reduce or disallow interest or even scale down the principal.
>
> *Explanation.* Nothing in this Section is intended to prohibit any disallowance of any claim on the ground that the transaction concerned is vitiated by fraud, misrepresentation, undue influence coercion, mistake of fact or collusion and is therefore invalid in law."

In view of the enquiry before the Board which is not as exhaustive as in the civil court and the fact that a good deal of legal questions arise, I submit, it will be highly inequitable to give the Board such powers. The Conciliation Officer should not have a discretion to go into all these questions, when we know that the status of the officer has not been declared by Government to be a very high one. These questions could be dealt with only by men of high status who have a thorough knowledge of law and all the intricacies connected therewith. As such, the Conciliation Officer should not be given such powers. Suppose a transaction lasted for twenty years and more and the parties renewed the contracts on several occasions and voluntarily paid amounts, the whole thing could be reopened under the provisions of this Clause. That is unfair and hard. No limit seems to have been prescribed for the reopening of the past transactions. If a wide discretion is given to the Conciliation Officer he can unsettle every thing. I submit that this is quite ridiculous.

Mr. Kayalam Paramesvaran Pillai: Sir, I oppose the amendment. As has been stated very often in my speech on the motion for consideration, conciliation is not binding on anybody unless he agrees to it and unless every one who is interested in the conciliation agrees to it. That being so, this Clause will not do any harm. The object is to ensure that the Board should look into this matter and not shirk it.

Mr. M. N. Paramesvaran Pillai: May I know whether decrees will be considered under this Section?

Mr. Kayalam Paramesvaran Pillai: No, in regard to decrees there is another provision.

Mr. M. N. Paramesvaran Pillai: My question is, if the debtor is able to show that the decree is tainted by fraud, can that decree be reopened?

Mr. Kayalam Paramesvaran Pillai: I can only say that it is not intended by me. The word "transaction" may not perhaps include a decree. Anyhow I do not intend it.

The motion that Clause 14 be deleted was put to vote and lost.

The question that Clause 14 do stand part of the Bill was put to vote and carried. The Clause was added to the Bill.

Clause 10.

President: We now go back to Clause 10.

Mr. G. Narayana Aiyar:

"In Clause 10, sub-clause (2), add another proviso "Provided also that the Board shall not reopen settled accounts or settled transactions for ascertaining the existence or amount of the debt due to any creditor except in the manner provided by Section 14."

Herein also there appears to be no limit to the date from which the transactions are to be reopened. Supposing a transaction was running for 25 years The original loan was a simple amount but subsequently the amount might have become a very large one. If you ask anybody to go into the history of the whole transaction, most probably the creditor may not get his amount. There ought to be certain limits beyond which it cannot be allowed to reopen if the parties agree. If the debtor takes into his head to tease the creditor and reopen the transactions, how can future transactions be maintained. Such a ridiculous position I submit can never be imagined and it will be a source of trouble. This intricate question of law has to be gone into before a Conciliation Officer who has got unlimited powers, and no right of appeal is allowed. If the debtor is an influential man he can thwart the rights of the creditor. Such a provision should not be found in any recognised law. I submit that this amendment may be allowed.

Mr. Kayalam Paramesvaran Pillai: Sir, I oppose the amendment. Sir, I am tired of saying ever so many times that conciliation cannot take effect unless all the parties agree to it. If that is so, what is the objection here? It is not going to affect them.

Mr. G. Narayana Aiyar: Supposing the creditor appears before the officer and agrees to the conciliation and later on if he suspects the decision of the officer ———

Mr. Kayalam Paramesvaran Pillai: Conciliation as I said is not arbitration. The stage at which they will be asked to give their consent is when the arbitrator makes the final proposal. If they agree then it will be conciliation. If they do not it will be nothing.

President : The motion before the House is, in Clause 10 sub-clause (2), add another proviso

"Provided also that the Board shall not reopen settled accounts or settled transations for ascertaining the existence or amount of the debt due to any creditor except in the manner provided by Section 14."

The motion was put to vote and lost.

The question that Clause 10 stand part of the Bill was then put and carried, and Clause 10 was added to the Bill.

Clause 15.

President : Clause 15.

The following amendment was not moved :

MR. G. NARAYANA AIYAR :

47. Delete Clause 15.

Mr. G. Narayana Aiyar : Sir, I move only amendment 48 in Clause 15, *viz.*,

"In Clause 15, sub-clause (1) (*b*) after "say one-fourth" add "or one-eighth." and after "the assets of the debtor" add "the value of which shall in no case exceed rupees five thousand."

Sir, a reference to the provisions of this Clause will show that it is one-sided. Here the Clause specifically says "give him one-fourth." It cannot be said, when a certain term is inserted in a legislation that it has no meaning or that it is only an example. It cannot be said that the presence of the term is only by way of an explanation. When a single syllable is inserted in the legislation it is full of meaning. The Conciliation Officers cannot go behind that. I can understand if it is said "one-fourth or one-fifth" or "property sufficient to maintain the debtor." The debtor ought to be provided with something, and can one-fourth be the proper limit ? If it has been said that any reasonable amount of his assets may be given to him and the balance left to the creditor I could have understood it. This specific statement in the Bill means that courts are bound by it. This is a real hardship to the creditor. This is a very anomalous position and this should not find a place in any civilised legislation. In certain cases it may so happen that the debtor will get a decent provision whereas the poor creditor may be put to serious difficulties and loss. I submit that the amendment may be allowed.

Mr. Kayalam Paramesvaran Pillai : Sir, I oppose the amendment. "One fourth" is put in as an illustration. It may be one-fourth or one upon one hundred, nobody need object. But even as it stands it is not open to any doubt.

Mr. M. N. Paramesvaran Pillai : May I know whether it is not left to the discretion of the Board to decide ?

Mr. Kayalam Paramesvaran Pillai : Yes.

Mr. M. N. Paramesvaran Pillai: Suppose the Board settles as per Clause (*b*) and if the Conciliation Officer decides that one-fourth be given to the debtor free he should take it. Is that the idea?

Mr. Kayalam Paramesvaran Pillai: Whenever a difficulty arises apply the test I have given. Conciliation will take effect only if all the parties agree to it. That is the master solvent.

Mr. M. N. Paramesvaran Pillai: Are there not more points than the point of agreement?

Mr. Kayalam Paramesvaran Pillai: I say this only as an illustration. If any difficulty arises the party need not agree to it.

Mr. G. Narayana Aiyar I am glad to find that it is admitted by the Law Member that there is no difficulty to modify it. At least Government will come in with a suitable amendment since the provision, as it is, is misleading.

[At this stage it was 3-30 P. M. and the House proceeded to the discussion of the adjournment motion *re* the grievances of the landholders in Nanjinad arising out of the order of the Government denying full remission of land tax including water cess in respect of lands left fallow during the Kanni crop of 1111].

ADJOURNMENT MOTION.

Mr. V. S. Arumukham Pillai: Sir, I wanted to move the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance, *viz.*, the grievances of the landholders in Nanjinad arising out of the recent order of the Government denying full remission of land tax including water cess in respect of lands left fallow during the Kanni crop of 1111.

Sir, my object in tabling the motion is to draw the attention of the Government to the grave injustice that has been done to the landholders of Nanjinad by the order of Government in refusing and denying remission of land tax including water cess for the lands that could not be cultivated on account of the failure and non-supply of water. My object is only to draw the attention of the Government to the serious injustice and request Government to *reconsider* the whole matter and revise the order already passed. If the Government can assure me that the matter may be reconsidered and that justice will be meted out to the landholders in this matter, I do-not mean to move the motion. If the Dewan-President will be pleased to assure that the whole question will be reconsidered and justice meted out to the unfortunate landholders of Nanjinad who could not cultivate their lands on account of the extreme drought

[Mr. V. S. Arumukham Pillai.]

during the whole years of 1110 and 1111, if the Dewan-President will assure me that Government will go through the whole question and reconsider the matter, I will not move the motion.

President: I do not wish that the honourable member who has given notice of the motion for adjournment should be in any false position or that the Government should be deemed to have given any definite promise or any hopes which may not fructify to the satisfaction of the honourable member. But this the Government will undertake to do, *viz.*, that they will go into the matter very carefully and endeavour to deal with the situation in the best of its light. They will consider the whole question *de novo* very carefully.

Mr. V. S. Arumukham Pillai: In view of the Dewan-President's assurance that the whole question will be reconsidered carefully I do not press the motion.

President: Now we may proceed with the amendments to the Agriculturists Relief Bill.

Mr. M. N. Paramesvaran Pillai: Sir, I rise to a point of order. Under Rule 23 (1) on page 76 of the Travancore Sri Chitra State Council Manual, on a motion to adjourn for the purpose of discussing a matter of urgent public importance, the only question that may be put shall be that the Council do now adjourn, provided that, if the debate is not concluded earlier, it shall automatically terminate at the end of two hours, and there after no question shall be put. Therefore, Sir, is it in order to proceed with any further discussion?

President: There is no motion at all before the House. The motion for adjournment was not moved. It was not also seconded. The motion was merely mentioned. Because 3.30 P. M. had been indicated as the time fixed for the adjournment of the motion he got up in his seat. He did not propose to move it.

Mr. M. N. Paramesvaran Pillai: The motion need not necessarily be seconded, Sir.

President: No. But he himself said that he does not move it nor had he any desire to move. It was never moved and brought before the House in any particular form.

THE TRAVANCORE AGRICULTURISTS RELIEF BILL—(*contd.*)

Clause 15 (*contd.*)

President: The amendment before the House is No. 48 under Clause 15 to be moved by Mr. Narayana Aiyar.

Mr. M. N. Paramesvaran Pillai : I rise to another point of order, Sir. This is a non-official business that has been taken up at 3. 30 P M After that is it permissible to discuss any official business ?

President : Under what provision of the law does the honourable member raise his point of order ?

Mr. M. N. Paramesvaran Pillai : Under the same rule.

President : No, provided that the motion was moved. The motion was not moved.

Now the motion before the House is that "In Clause 15, sub-clause (1) (*b*) after "say one-fourth" add "or one eighth" and after "the assets of the debtor", add "the value of which shall in no case exceed rupees five thousand".

The amendment was put to the vote of the House and lost.

Mr. G Narayana Aiyar : I move that,

In Clause 15, sub-clause, (1) (*c*), line 2, after the world 'years' omit 'to be fixed by the Board' and insert 'not exceeding six'.

We find that in the earlier Clauses a maximum period is fixed for the debtor to pay up his debts and to safeguard him by giving him 12 years and allowing him to pay in 24 instalments. Here the Conciliation Officer is given unlimited powers. in regard to the number of years to be fixed it is entirely left to his sweet will and pleasure. Everything is left to his discretion. And his discretion cannot be challenged. Unless provision is made to control his discretion it would be too hard. Therefore I submit that my amendment may be allowed which aims only at fixing a time limit.

Mr. Kayalam Paramesvaran Pillai : I oppose the amendment. The various provisions laid down under Clause 15 are merely illustrative of the conciliation proposals that may be made by the Conciliation Officer. These proposals or any other proposals may be made by him with regard to the circumstances of the case and above all it is only a safety valve and this arises only if the parties do not agree.

President : The motion before the House is amendment No. 49 moved by Mr. Narayana Aiyar, *viz.*,

In clause 15 sub clause (1) (c), line 2, after the word 'years' omit 'to be fixed by the Board' and insert 'not excluding six'.

The amendment was put to the vote of the House and lost.

Mr. G. Narayana Aiyar : I beg to move the following amendment :—

Add the following as sub-clause (3) to Clause 15.

"The appropriation and distribution shall be in the following manner :—

(a) First in the discharge of secured debts in their order of priority ;

(b) secondly the balance towards the discharge of unsecured debts rateably to the extent of the debts",

[Mr. G. Narayana Aiyar.]

The manner of appropriation seems to be mentioned in Section 15. The specific manner in which it ought to be appropriated is not stated there in full. I have heard the Law Member saying that these are only illustrations and can be considered by the Conciliation Officers. If this is the position assumed where is the necssity for the various Clauses? Why should we have a certain set of rules and regulations? This Clause is necessary in order to direct the Board which debts are to be cleared in the order of priority. It is highly necessary that the legislature should not frame laws in such a manner that it may be construed in various ways by anybody at his sweet will and pleasure. It ought to give specific instructions. No such thing is given here and everything depends upon the sweet will and pleasure of the Conciliation Officer. I submit that the amendment may be allowed.

Mr. M. N. Paramesvaran Pillai: Especially when you have got the provision in Clause 33 to revise the number of instalments.

Mr. Kayalam Paramesvaran Pillai: I oppose the amendment, Sir. There is no question of the appropriation of property. We have only laid down certain examples regarding the manner in which conciliation proposals should be made It is open to the contracting parties either to accept or reject them. At the last stage when the conciliation proposals are finally made by the Conciliation Officer and placed before the parties and they are called upon to say whether they accept the proposals or not they may accept them or reject them. No hardships will come to anybody on account of this.

President: The motion before the House is:

Add the following as sub-clause (3) to Clause 15:—

"The appropriation and distribution shall be in the following manner:—

"(a) First in the discharge of secured debts in their order of priority;

(b) Secondly the balance towards the discharge of unsecured debts rateably to the extent of the debts".

The amendment was to put to the vote and declared lost.

President: The question before the House is that Clause 15 do stand part of the Bill.

The motion was carried and Clause 15 was added as part of the Bill.

Clause 16.

Amendment No. 52 to omit the Clause was not moved.

Mr. G. Narayana Aiyar: I beg to move the following amendment No. 53:

"In Clause 16, add as sub-clause (4) "Notwithstanding anything contained in sub-sections (1) to (3) a conciliation agreement to which a secured creditor does not expressly agree by signing the agreement, shall not affect his rights to proceed against the secured property".

This is only an anticipatory Clause. Since the whole Bill is not explicit in the matter it is highly necessary to protect secured debts. In view of this protection I submit that this provision as a saving Clause be inserted and the amendment allowed.

Mr. Kayalam Paramesvaran Pillai: I oppose it.

President: The motion before the House is as follows:—

In Clause 16, add as sub-clause (4):

"Not-with-standing anything contained in sub-sections (1) to (3) a conciliation agreement to which a secured creditor does not expressly agree by signing the agreement, shall not affect his rights to proceed against the secured property".

The amendment was put to the vote and declared lost. The following amendment No. 54 was not moved:—

Mr. G. Narayana Aiyar: After Clause 16 add as a new Clause:

"The State Land Mortgage Bank shall, subject to the rules groverning the said bank, pay to the creditor or creditors the amounts due to them under conciliation agreements registered under Section 16'.

President: The question before the House is that Clause 16 do stand part of the Bill.

The motion was carried and Clause 16 was added to the Bill.

Clause 17.

The question that Clause 17 stand part of the Bill was put and carried. The Clause was added to the Bill.

Clause 18.

Mr. G. Narayana Aiyar: Sir, I move that in Clause 18, line 7, after " the deposit so made in such time " add " with interest thereon at 6 per cent per annum from the date of the certificate ".

Even after the scaling down of the amount, there is no liability to pay interest. This is only to provide for the payment of such interest at the rate of 6 per cent from the date of the certificate.

Mr. S. Piraviperumal Pillai: I second it.

Mr. Kayalam Paramesvaran Pillai: Sir, I oppose the amendment. After all it is only a minor point.

The amendment was put to the vote of the House and lost.

The question that Clause 18 stand part of the Bill was then put and carried, and Clause 18 was added to the Bill.

Clause 19.

Mr. G. Narayana Aiyar : Sir, I move—

In Clause 19 line 6, omit the portion after "case may be" and substitute "if the debtor deposits in court for payment to the creditor on or before the first hearing of the suit or the application as the case may be, the full amount fixed by the Board as a fair amount for cash payment and the interest thereon at 6 per cent per annum from the date of the certificate."

All similar legislations in British India, Cochin, Mysore etc. contain such a provision The Section says —

"if the creditor institutes a suit or makes an application in any civil courts such courts, having regard to the certificate and the conduct of the parties in connection therewith, may, in its discretion, disallow in whole or part the costs of the suit or of the application, as the case may be and may also, in its discretion reduce the amount of the interest remaining due for the period from and after 1st Chingam 1105 up to the date of the decree or order....."

There is absolutely no reason to compel him to forego interest from 1105. If he ignores the certificate and goes to court, penalise him for the cost. This provision does not find a place in any other Bill.

Mr. S. Piraviperumal Pillai: I second it.

Mr. Kayalam Paramesvaran Pillai ; Sir, I oppose it. I have explained this portion in my speech.

The amendment was put to the vote of the House and lost.

The question that Clause 19 stand part of the Bill was put and carried.

The Clause was added to the Bill.

Clauses 20—22.

The question that Clauses 20—22 do stand part of the Bill was put and carried, and the Clauses were added to the Bill.

Clause 23.

Mr. G. Narayana Aiyar : Sir, I move the following amendment—

Substitute for Clause 23 "the High Court shall have powers to revise every order passed by the Board."

Sir, it will be seen that very high powers are given to the Conciliation Officers. In practice we find that voluntary consent would dwindle down to nothing. The provision that the High Court shall have power to revise his decision will be sufficient incentive to the officer to proceed correctly, for if he does not do so, his act will be questioned. So, this power should be given to the High Court so that the powers given to the officers are not misused. In the Mysore Act the conciliatory powers and duties are vested in the civil courts and there is provision for revision etc. Hence I submit that this amendment may be allowed by this House.

Mr. M. N. Paramesvaran Pillai : Sir, I support the amendment. I would invite the attention of this House to Clause 23 which reads thus :—"No appeal or application for revision shall lie to any court against any order passed by the Board." This Clause makes the powers of the Board absolute and they cannot be questioned by any other authority. The next Clause viz., Clause 24 further lays down that "the decision by a Board that a person is or is not an agriculturist shall be conclusive for all the purposes of the Board and for the purposes of all proceedings arising out of any conciliation or certificate recorded by the Board." Thus, so far as the Board is concerned, its powers are unrestricted and cannot be interfered with by any revisional authority. The decision of a Board is always final. In the civil courts in the land, the Law Member does not seem to have as much confidence as he professes to have in the proposed Conciliation Boards. If the personnel of the Board is not satisfactory, there is every chance for corruption. The decision of the Village Panchayat Courts can be assailed in revision before the District Court under Section 73 of the Village Panchayat Courts Regulation, if there is illegality, material irregularity or corruption. Even such a provision does not find a place in this Bill. These are days when people refuse to have that amount of confidence which they should ordinarily have even in the highest court in the land. It is, therefore, dangerous and unsafe to leave such wide and unrestricted powers to a Board of this type. Public interest demands that the Board should not be armed with such extraordinary powers, powers which even the highest court in the land does not possess at present. I, therefore, legitimately hope that this amendment would receive the hearty support of every honourable member of this House.

Mr. S. Piraviperumal Pillai Sir, in the Bill there is a provision that if, in the opinion of the Board, there are reasonable grounds to suspect inequity in any transaction, the Board shall, in proposing and making the conciliation, go into the history of the transaction and may in view of such history reduce or disallow interest or even scale down the principal. That, in other words, means that the Board is given powers to revise the orders passed by the High Court. I submit Sir, that there should be no power to the Board to revise the final orders of the highest court of the country. I therefore support the amendment.

Mr. Kayalam Paramesvaran Pillai : Sir, I oppose the motion. The motion is based on a thorough misconception of the provisions of the Bill. Two kinds of orders may be passed by the Board. One is a conciliation proposal which is accepted and there upon becomes a decree. Another is, if the parties do not accept the

[Mr. Kayalam Paramesvaran Pillai.]

conciliation the Board may make a certificate. In regard to the accepted conciliation, there need be no anxiety, for that is a thing that has been accepted. Against what is accepted where is the room for a revision by the High Court.

Mr. M. N. Paramesvaran Pillai: Suppose the Conciliation Board interferes under Section 14. What is the remedy?

Mr. Kayalam Paramesvaran Pillai: Again, apply the test that all the parties must agree; otherwise it will not become effective.

Mr. M. N. Paramesvaran Pillai: Cannot the Board pass a certificate?

Mr. Kayalam Paramesvaran Pillai: Yes. But then what is the consequence? The court may thereupon disallow costs or reduce interest in its decree. There would be an appeal against the decision. And against the appellate decision there may be a further appeal. When there is this right of appeal to the High Court, why do you want a revision to the High Court?

The motion was put to vote and lost.

Mr. M. N. Paramesvaran Pillai; I demand a poll.

A poll was taken and the House divided as follows:—

AYES.

1.	Mr.	G. Narayana Aiyar	3.	Mr.	S. Piraviperumal Pillai
2.	,,	M. N. Paramesvaran Pillai	4.	,,	K. N. Kesavan Nambutiripad

NOES.

1	Mr.	V. S. Arumukham Pillai	13	,,	E. P. Varghese
2	,,	Kochikkal P. Balakrishnan Tampi	14	,,	A. N. Visvanatha Pillai
3	,,	M. Govindan	15	,,	Rao Bahadur Rajyasevaniratha Dr. N. Kunjan Pillai
4	,,	John Kattakayam	16	,,	K. Madhava Kurup
5	,,	C. M. Joseph	17	,,	K. Paramesvara Panikkar
6	,,	Eric Hall	18	,,	Rao Bahadur A Rengasvami Aiyar
7	,,	H. O. L. Marikar	19	,,	James Simpson
8	,,	K. P. Nilakanta Pillai	20	,,	C. V. Chandrasekharan
9	,,	N. K. Padmanabha Pillai	21	,,	K. George
10	,,	N. Ramakrishna Pillai	22	,,	Kayalam Paramesvaran Pillai
11	,,	K. Sankaralingam Pillai			
12	,,	Komilezhathu Sankaran			

NEUTRALS.

1	Mr.	K. Padmanabha Panikkar	2	Mr.	Syed M. Bava

The amendment was declared lost, 4 voting for, 22 against, and 2 remaining neutral.

The question that Clause 23 stand part of the Bill was pu and carried and the Clause was added to the Bill.

Clauses 24-32.

The question that Clauses 24—32 do stand part of the Bill was put and carried, and the Clauses were added to the Bill.

Clause 33.

Mr. M. N. Paramesvaran Pillai: May I know whether I have the leave of the Chair to move the various Clauses separately?

Mr. K. P. Nilakanta Pillai: This amendment (No. 79) also has been ruled out of order.

Mr. M. N. Paramesvaran Pillai: It is only my first amendment for the substitution of the word "debtor" for the term "agriculturist" that has been ruled out. Sir, I do not think that the other amendments of mine could be ruled out before they are actually moved. A ruling could not have been given in anticipation of what I was intending to do.

Mr. Kayalam Paramesvaran Pillai: The Chair ruled that this amendment was a consequential amendment to the first three amendments in the printed list of amendments, and therefore ruled out this also. If Mr. Parameswaran Pillai had anything to say, he ought to have said it when the Chair gave the ruling. He was keeping quiet. The ruling specifically included amendment No. 79 also.

Mr. M. N. Paramesvaran Pillai: Sir, if that is the case, I request you to hear me and reconsider the position and give a revised ruling.

President: The ruling was given, in my absence, by one of the Panel of Chairmen. I am afraid I cannot overrule the ruling given by the Chairman.

Mr. M. N. Paramesvaran Pillai: My request is that, in the light of what I have stated, the ruling may be revised. It need not be overruled. There has been more than one precedent for doing so.

President: I am told that this amendment No. 79, was definitely mentioned in the ruling given by the Chair. The Chair seems to have said that amendments Nos 1, 2, 3, and 79 were out of order. I think I am bound by that ruling.

The question that Clause do stand part of the Bill was put to vote and carried.

The Clause was added to the Bill.

Clause 34.

Mr. G. Narayana Aiyar : I beg to move the following amendment :—

> In Clause 34, for "Notwithstanding anything in any law, contract, decree or order of court, no interest shall accrue, or be permitted to be recovered as accruing" substitute "no Court shall, by its decree or order, allow interest to be recovered".

Sir, the provision relates to future transactions. It says that no interest shall accrue or be permitted to accrue beyond 6 per cent. per annum. The effect would be that, even after paying interest at the contract rate, the debtor may turn round and sue the creditor under this provision for the refund of the interest above 6 per cent. Sir, what Section 31 of the Civil Procedure Code now provides is, not that interest above 12 per cent. per annum should not be paid in any case, but that if the creditor seeks the aid of the court to realise his dues, the court should not give a decree for anything more than 12 per cent. interest. But that is not what is provided here. The provision in the Bill says that interest at more than 6 per cent. shall not *accrue*; not that it shall not be decreed by a court of law. I can understand a provision that the court shall not enforce a claim for more than 6 per cent. interest. But, why should the law stand in the way of a debtor who, out of his own free will, pays a higher rate of interest? Sir, a person may pledge his jewel and borrow money. At the end of the stipulated period, after repaying the principal together with interest at the contract rate, after the whole transaction is over, he can, under this mischievous provision, reopen the whole matter and sue for the excess of interest, above 6 per cent., which he has actually paid. This provision gives room for unnecessary litigation. Such a provision is unknown to all systems of jurisprudence. The court can interfere and control the rate of interest if its aid is invoked; but if the parties agree among themselves and do not, at any stage, require the aid of the court, why should the law step in and reduce the rate of interest? I therefore submit that this mischievous provision has to be amended.

Mr. Kayalam Paramesvaran Pillai : I oppose the amendment. It is based, to a great extent, on a misconception. The honourable member seems to think that the Clause provides for the refunding of interest already recovered by the creditor. It does not provide like that. The Clause operates only for the future. It has no retrospective operation. It says that, after the date of the commencement of this Regulation, interest at more than 6 per cent. shall not accrue.

Mr. G. Narayana Aiyar: After the commencement of this Regulation, if a creditor had received more than 6 per cent does not this provision enable the debtor to recover such excess above 6 per cent.?

Mr. Kayalam Paramesvaran Pillai: Perhaps it is a gift. A gift is quite permissible; this Clause does not go against that.

Mr. M. N. Paramesvaran Pillai: Has the Law Member any idea of repealing Section 31 of the Civil Procedure Code which now guarantees a particular rate of interest?

Mr. Kayalam Paramesvaran Pillai: I have none at present. All my present proposals are on the table.

The amendment was put to vote and lost.

Mr. E. P. Varghese Sir I beg to move the following amendment:—

> Add after the words "as accruing" the following "from and after the 1st of Chingam 1105 up to the termination", and delete the words "for a period".

Sir, I am not unaware of the fact that this provision has been the bone of contention during the second reading of the Bill in the lower House. But, this is the only way to afford a substantial relief to the agriculturist. Sir, after all, my amendment seeks to reduce the rate of interest from 1105. There are provisions to reduce even the principal. This is therefore only a very modest proposal, comparatively. When we legislate for the period of depression, it is only fair that the measures of relief take effect from the day on which the depression set in.

Sir, I would draw pointed attention to the Proviso I have proposed to introduce to the effect that interest already paid need not be taken into account, so that, strictly speaking, there would be no expropriation in the provision as I seek to amend it. It is only the unpaid interest that I want to be limited to 6 per cent.

Sir, I do not want to take up the time of the House, on this provision, since it has been discussed at length under the motion for the Bill being taken up for consideration. I appeal to this House to support this amendment.

Mr. M. N. Paramesvaran Pillai: I have very great pleasure in supporting this amendment. Such a provision alone can now really benefit the suffering debtors. Owing to the fall in the price of agricultural products and the operation of the law of diminishing returns the agriculturists are not able to get any margin of profit to pay off the debts or even the interest thereon

[Mr. M. N. Paramesvaran Pillai.]

When that is the universal position, no debtor is going to derive any benefit if reduction in the rate of interest on past transactions is not made.

Sir, the main argument advanced by the Law Member against such a provision is that it is highly expropriatory. There can be no force in such a contention. When every other provision in this Bill is expropriatory, is there any logic in such an objection? Are not the provisions of Clause 14 which give the Conciliation Board power to reopen past transactions, reduce or disallow interest or even scale down the principal, expropriatory in nature and in effect? What about the provisions of Clause 15 (*b*) under which the Board is given power to leave one fourth of the assets of the debtor free from all liability from his debts? These and the provisions relating to exemption from arrest and the absence of the provision recognising the right of priority of the secured creditors over the unsecured creditors are really nothing but expropriation, "unrepentant unalloyed and unabashed." In other Regulations also we have similar expropriatory provisions. Section 31 of the Civil Procedure Code is an instance of the kind. Both at the time of the discussion of the report of the Agricultural Debt Redemption Committee and in the speech delivered by me in opposition to the introduction of this Bill in this form, I had pointed out that the provisions of Section 31 of the Civil Procedure Code of 1100 relating to interest have been the cause of the ruin of many a debtor in the country. Formerly according to Section 17 Clause (5) of Regulation I of 1010, no court could decree, on account of interest, a sum exceeding one half of the principal, if the claim be for money, for the period up to the date of decree and under Section 21 of Regulation IV of 1010 even after decree interest can be charged only on the principal and that too only up to half the value of the principal. These Sections have also received judicial interpretation in 36 T. L. R. 146. But Section 31 of the present Regulation, VIII of 1100, makes it possible for a creditor to realise over and above interest up to half the principal before the date of suit, any amount as further interest on the principal sum from the date of suit to the date of decree and a still further amount at 9 per cent. per annum on the aggregate sum up to the aggregate. As the Section now stands, a person who borrows Rs. 100 will have to pay several times that amount under the decree that may be passed against him. Sir, the Agricultural Debt Redemption Committee has reported that the burden of agricultural debt is mainly the burden of accumulated interest. It is admitted that the present is an extraordinary situation and extraordinary situations require extraordinary remedies as well. And in such cases, we

should not hesitate to give retrospective effect to a legislation. The amendment now moved by Mr. E. P. Varghese is one of the most useful amendments that can be thought of. I hope it will, therefore, receive the hearty support of this House.

Mr. Kayalam Paramesvaran Pillai: I oppose this amendment. The amendment is objectionable because, for one thing, it takes away a property that has accrued to a person. The House is aware that on this provision there are two contending parties and there has been great excitement over it. I trust the House will consider the question very seriously. I know that there is a view that some real relief can be had only if some reduction in the past interest is made. But it will be conceded that such a reduction could be rightly made only in the case of a man who is not able to pay his debts. In regard to the man who is unable to pay there is a provision already in Clause 19 for the reduction of past interest. The only thing that he has to do is to appear before the Conciliation Board and satisfy it. The creditor may or may not care to appear before the Conciliation Board. If he does not appear, a certificate will be issued and that may be produced before a court of law which may grant the reduction of interest. The only thing for a man who is not able to pay his debts is to go before the Conciliation Board and prove his inability. But should we extend the the same sympathy to the man who does not care to go to the Conciliation Board? That refusal to go to the Board would mean that he is able to discharge his debts. To him we should not extend this sort of relief. I trust that the House wants to pass this Bill as early as possible so that it may be brought at once into operation. If by the operation of the law in its present form any drawback is noticed, then that can be remedied by suitable amendments. Now let us pass this Bill as it is.

President: The amendment before the House is—

> Add after the words "as accruing" the following:
> "From and after the last of Chingam 1105 up to the termination", and delete the words "for a period".

The motion was put to vote and lost.

Mr. M. N. Paramesvaran Pillai: I demand a poll.

A poll was taken and the House divided as follows :—

AYES—8.

1 Mr. N. K. Padmanabha Pillai
2 ,, M. N. Paramesvaran Pillai
3 ,, S. Piraviperumal Pillai
4 ,, V. S. Arumukham Pillai
5 Mr. Kochikal P. Balakrishnan Tampi
6 ,, Komilezhathu Sankaran
7 ,, A. N. Visvanatha Pillai
8 ,, E. P. Varghese

NOES—22.

1	Mr. K. Padmanabha Panikkar	13	Rao Bahadur Rajyasevaniratha Dr. N. Kunjan Pillai
2	,, P. Padmanabhan Tampi	14	Mr K. R. Narayana Aiyar
3	,, G. Narayana Aiyar	15	,, Kayalam Paramesvaran Pillai
4	,, H. O. L. Maraikar		
5	,, M. P. Madhavan Pillai	16	,, K George
6	,, C. M. Joseph	17	,, James Simpson
7	,, J. John Kattakayam	18	,, C. O. Madhavan
8	,, M. Govindan	19	,, C. V. Chandrasekharan
9	,, K. Rama Varma Raja	20	,, K. N. Kesavan Namputiripad
10	,, K. Madhava Kurup		
11	,, K. Paramesvara Panikkar	21	,, Eric Hall
12	Rao Bahadur A. Rengasvami Aiyar	22	,, Syed M. Bava

NEUTRALS—3.

1	Mr. K. P. Nilakanta Pillai	3	Mr. K. Sankaralingam Pillai
2	,, N. Ramakrishra Pillai		

The amendment was declared lost, 8 voting for and 22 against, 3 remaining neutral.

The question that Clause 34 do stand part of the Bill was then put and carried.

The Clause was added to the Bill.

Clause 35.

Mr. G. Narayana Aiyar: On the same reasons I have advanced already in connection with a previous amendment I submit that this amendment may be accepted, *viz.*, that......

In Clause 35, for " notwithstanding anything in any law, contract, decree or order of court no interest shall accrue, or be permited to be recovered as accruing " substitute " No court shall by its decree or order allow interest to be recovered ".

Mr. S. Piraviperumal Pillai: Sir, I support the amendment.

Sir, if this amendment is accepted it will not materially affect the position of the agriculturists. All that the agriculturists want is that they should not be allowed to pay a higher rate of interest. But on the other hand if the Clause as it stands now is allowed to form part of the Bill it will work great hardship on the traders and merchants. As I have already said, merchants and traders are put to very great difficulty on the question of finance. If this Clause as it stands is also allowed to be passed they will be put to greater difficulties. If there is not such a Clause he will be able to obtain money at a higher rate of interest by mutual agreement. The trader when he feels that he can get a little more profit should be allowed

to enter into an agreement with a money lender and pay an interest at more than 6 per cent., say 9 or 10 per cent. But this Bill as it stands now does not permit him to do that even if he agrees by mutual contract. This Bill prevents him from doing that. Now what is the result? The money lender will not be willing to give money so long as there is a provision like that So if these words are deleted and the words "No court shall by its decree or order allow interest to be recovered" is substituted it will not work any hardship on the agriculturists. Already the other provisions in the Bill will be working very great hardship on the trader. At the same time this amendment does not give any trouble to the agriculturists. If it in any way helps the trader and at the same time does not injure the agriculturists I do not know why the Law Member should have any objection to it. Therefore I submit that this House should kindly support this amendment.

Mr. Kayalam Paramesvaran Pillai: Sir, I have already advanced my argument in opposition of this amendment when speaking on the amendment in regard to Clause 34. I have nothing to add.

President: The question before the House is that—

In Clause 35, for "notwithstanding anything in any law, contract, decree or order of court no interest shall accrue, or be permitted to be recovered as accruing" substitute "No court shall by its decree or order allow interest to be recovered".

The amendment was put to vote and lost.

Mr. G. Narayana Aiyar: I beg to move—In Clause 35, add as Exception:

"Exception—Nothing in this Section shall apply to debts not exceeding five hundred rupees in money or five hundred paras in paddy or grain".

The Bill prescribes a rate of 6 per cent on secured debts and 9 per cent. on unsecured debts. It should not be thought that I am for enhancing the rate of interest. Transactions must go on. It is not enough if we have some written law. It should not be an obstacle to the people. No limit has been fixed for the amount in respect of 6 per cent., and 9 per cent. interest could be claimed and agreed. If we want one rupee we have to pay only 6 per cent. interest; if we want in lakhs of rupees then also we have to pay 6 per cent. interest. What I say is that there should be some sort of minimum with regard to the amounts for which the rate of interest is fixed. The poor people may not get money for such low rate of interest. The consequence will be that the poor man will have to sell his properties for raising small loans. The agriculturists were receiving small sums as loan for carrying on cultivation. Now the provision of the Bill says that he need not pay more than 9 per cent. for unsecured debts. Who will be prepared to lend out small sums

[Mr. G. Narayana Aiyar.]

of money at 9 per cent. interest? As was anticipated by another honourable member the agriculturists will have to neglect their cultivation and die of starvation. Therefore in the interest of every body it is highly necessary to fix a minimum amount over which the specified rates shall prevail Therefore I pray that this Clause may be added.

Mr. Kayalam Paramesvaran Pillai: I oppose this amendment. The law at present allows 12 per cent. interest whether it be for one rupee or ten lakhs of rupees. I do not think that the suggested rate will work any hardship. Let us, as pointed out, however try this law. If it is going to work any unforeseen injury then we shall take steps to rectify it.

President: The motion before the House is—

In Clause 35, add as Exception:

"Exception—Nothing in this Section shall apply to debts not exceeding five hundred rupees in money or five hundred paras in paddy or grain".

The motion was put to vote and lost.

The question that Clause 35 stand part of the Bill was then put and carried.

The Clause was added to the Bill.

Clause 36.

The question that Clause 36 stand part of the Bill was then put and carried.

The Clause was added to the Bill.

Clause 37.

Mr. M. N. Paramesvaran Pillai: Sir, I move:

For Clause 37 in the Bill, substitute the following as Clause 37:

"In the Code of Civil Procedure, 1107—

After Section 48, the following Section shall be inserted, namely:—

48 A (i) Notwithstanding anything contained in any law decree or order of any court, no court shall order the arrest or detention in the civil prison of any debtor in execution of any decree for the payment of money if he has given security for the due discharge of his debt.

48 A (ii) In the case of debts not secured, the creditor shall not proceed against the debtor personally before he has exhausted his remedies against the unencumbered properties of the debtor"

Now the provisions embodied in Clause 37 are of no practical use. An enquiry under Clause 37 will itself fully engage the attention of the agriculturist so much so that he will have very little time to attend to his avocation, *viz.*, the improvement and cultivation of his lands. Further, the existence of a provision like the one contained in sub-clause (c) will nullify the object of this provision. Such a provision will give the creditor the opportunity to induce the debtor

in all cases to state in writing that he is not an agriculturist. Under such circumstances how can these provisions be of any avail to the agriculturists? It is in view of all these circumstances that I have proposed these amendments. If my amendments are passed, hereafter debtors who have given security for their debts cannot be arrested and in the case of other debtors they can be proceeded against only if all the steps against their unencumbered properties are exhausted.

I do not understand why the learned Law Member has introduced these provisions in the Bill, except it be to complicate matters further. We have got similar provisions in Order 21, Rule 38 of the Civil Procedure Code. The only difference is that sub-clause (c) of Clause 37 makes matters worse. If the sub-clause is retained, what is attempted to be given by the right hand will be taken away by the left hand.

Mr. E. P. Varghese: Sir, I second the motion before the House. It is one of the salutary provisions contained in the amendment which go very much to help the indebted agriculturists and it does not do any harm to the creditor class. I think it is a beneficent provision and it is necessary that it should be incorporated in the Bill as it is. Moreover in one sense it is useful to the creditor also. If the debtor is at large he may be able to find money to pay back. Now-a-days the debtor is arrested and sent to prison at once and is not given the opportunity to give security or any guarantee to the creditor for the debt. If a person has no property at all even if he is put into prison the creditor will not be able to realise the cash. So, I second the amendment and commend it to the approval of this House.

Mr. Kayalam Paramesvaran Pillai: Sir, I oppose the motion. I quite agree with the sentiments expressed by Mr, Paramesvaran Pillai and Mr. Varghese. But I am astounded at the amendment they sponsor. I would ask the House to peruse carefully the Clause as it would be amended by this amendment and look at the effect of it. The effect is that if the debtor has no property he may be arrested. If he has property, security should be given and then he will be free from arrest. But suppose he has no property and he is a pauper. He must then be arrested. That is the effect of the proposition of Mr. Varghese.

Mr. M. N. Paramesvaran Pillai: Then may I know from the member why the debtor is asked to furnish security for the amount conciliated?

Mr. Kayalam Paramesvaran Pillai: If there is no property he need not furnish security. If he has got property only he need furnish security according to my Clause. Sir, the second portion of the Clause is; "In the case of debts not secured the creditor shall not proceed against the debtor personally before he has

[Mr. Kayalam Paramesvaran Pillai.]

exhausted his remedies against the unencumbered properties of the debtor ". Sir, if this amendment is accepted it will cause a person to be arrested and put in prison merely because his properties even though proceeded against have not been sufficient to satisfy the debts.

Mr. M. N. Paramesvaran Pillai: In such a case is it not open to the creditor to give an insolvency petition?

Mr. Kayalam Paramesvaran Pillai: Many things are open to him. He may, to escape this amendment, go even to the forest and get devoured by tigers.

Mr. M. N. Paramesvaran Pillai: Yes, he may even commit suicide.

Mr. Kayalam Paramesvaran Pillai: Yes, that will be the only salvation if this amendment is accepted. I little expected such an amendment from the honourable members.

The amendment was put to the vote of the House and lost.

The question that Clause 37 stand part of the Bill was put to the vote of the House and carried. The Clause was added to the Bill.

Clause 38.

Mr. M. N. Paramesvaran Pillai: May I point out, Sir, that the time fixed for this Bill is up?

President: While, ordinarily the meeting is to begin at 11 o' clock and continue till 4-30 in the evening, I propose to give the direction that we go on until we finish this Bill.

The question that Clause 38 stand part of the Bill was then put to the vote of the House and carried.

Clause 38 was added to the Bill.

Preamble.

The question that the Preamble stand part of the Bill was put and carried.

The Preamble was added to the Bill.

Title.

The question that the Title stand part of the Bill was put and carried.

The Title was added to the Bill.

Mr. Kayalam Paramesvaran Pillai: Sir, I have now great pleasure in moving that the Bill be passed.

Mr. K. George: I second it.

Mr. M. N. Paramesvaran Pillai: On a point of order. The standing order says ....

President: The motion is in order.

The motion was carried and the Bill was passed.

The House adjourned at 4-40 P. M.

P. PARAMESVARAN PILLAI,
Secretary to the Sri Chitra State Council.

PROCEEDINGS

of

THE TRAVANCORE SRI CHITRA STATE COUNCIL.

(OFFICIAL REPORT).

FIRST COUNCIL.

VOLUME IX—NUMBER 4.

NINTH SESSION—1936/1112.

Thursday, the 10th December, 1936/25th Vrischikam, 1112.

The Council met at the Victoria Jubilee Town Hall at Eleven of the Clock in the forenoon with Sachivothama Sir C. P. Ramasvami Aiyar, K. C. I. E., Dewan—President in the Chair.

QUESTIONS AND ANSWERS.

Acquisition of land for Mararikulam Beach Road.

51. ***Mr. E. P. Varghese** (*Nominated*): Will the Government be pleased to state whether the Land Revenue Department has acquired the land necessary for the Mararikulam Beach road at the 2nd furlong of the 8th mile on the Alleppey-Aroor road?

Mr. K. Madhava Kurup (*Ag. Secretary to Government*): No.

Mr. E. P. Varghese: May I know when the application for the acquisition of the land was made by the P. W. Department?

Mr. K. Madhava Kurup: Early in 1935.

Mr. E. P. Varghese: May I know whether the working of the road has been suspended due to the land not being acquired and handed over to the P. W. Department?

Mr. K. Madhava Kurup: The declaration for the acquisition of land has been published in the Gazette and steps are being taken for acquiring the land.

Mr. E. P. Varghese: How long will it take to place the land with the P. W. Department?

Mr. K. Madhava Kurup: It will take less than two months.

Mr. E. P. Varghese: May I know whether the contractors have suspended the work because of the failure of the land being acquired and handed over to the P. W. Department?

G. P. T. 1922. 360.

Mr. K. Madhava Kurup: Not exactly, some work is continuing. The collection of materials, the earth-work and the spreading of stones are going on.

Mr. E. P. Varghese: May I know whether Government have received any complaint from the contractors that they have not been able to proceed with the work?

Mr. K. Madhava Kurup: The contractor has put in a complaint to that effect.

Completion of the Mararikulam Beach Road.

52. ***Mr. E. P. Varghese**: Will the Government be pleased to state:

(*a*) the length of the Mararikulam Beach road for which tender has been called and contract given;

(*b*) how much of it has been finished;

(*c*) why the remaining is not worked; and

(*d*) whether there is any sort of objection or obstructive tactics brought forward by the Nayars of the locality in continuing the road beyond the temple towards the Christian quarters?

Mr. K. Madhava Kurup: (*a*) One mile and seven furlongs.

(*b*) No portion has been finished in all respects. But for about 4000 ft. earthwork item has been completed.

(*c*) The work is in progress and the remaining portions will be finished as soon as the lands are formally handed over to the department.

(*d*) Government are not aware of any such objection.

Mr. E. P. Varghese: May I know the distance between the place from where the road is now proposed to be built to the beach?

Mr. K. Madhava Kurup: I claim notice.

Mr. E. P. Varghese: May I know whether the whole of that poramboke up to the beach is proposed to be gravelled?

Mr. K. Madhava Kurup: The answer says that the total length is one mile and seven furlongs.

T. A. claims of Officers present at Pallivasal for laying the foundation stone of the Power House.

53. ***Mr. J. John Kattakayam** (*Muvattupuzha* cum *Todupuzha*): Will the Government be pleased to state whether T. A., etc., have been claimed by the officers who had been to Pallivasal at the time of laying the foundation stone of the Power House?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai (*Chief Secretary to Government*): Yes.

Mr. J. John Kattakayam: പള്ളിവാസലിലെ ശിലാസ്ഥാപനത്തിനു പോയ ഉദ്യോഗസ്ഥന്മാർ ടി. എ. വേണമെന്നാവശ്യപ്പെട്ടു എന്നു പറഞ്ഞു. അങ്ങിനെ ടി. എ. കൊടുത്തിട്ടുണ്ടോ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: കൊടുത്തിട്ടുണ്ട്.

Mr. J. John Kattakayam: എല്ലാ ഉദ്യോഗസ്ഥമെമ്പർമാർക്കും കൊടുത്തിട്ടുണ്ടോ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: ഉണ്ട്.

Mr. J. John Kattakayam: ആ ഫംക്ഷന് സംബന്ധിച്ചിരുന്ന അനുദ്യോഗസ്ഥമെമ്പർമാർ ആരെങ്കിലും ടി. എ. വേണമെന്നു ആവശ്യപ്പെട്ടിട്ടുണ്ടോ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: ആവശ്യപ്പെട്ടിട്ടുള്ളതായിട്ടു അറിവില്ല.

Mr. J. John Kattakayam: ഒരനുദ്യോഗസ്ഥനും അങ്ങിനെ ആവശ്യപ്പെട്ടിട്ടില്ലേ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: ആവശ്യപ്പെട്ടതായി അറിവില്ല.

Mr. J. John Kattakayam: ഈ ഉത്തരം തയാറാക്കിയ സമയത്തു ഇതിനെപ്പറ്റി അന്വേഷിച്ചിട്ടുണ്ടോ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: ഇല്ല.

Mr. J. John Kattakayam: വമ്പിച്ച ശമ്പളം വാങ്ങിക്കുന്ന ഉദ്യോഗസ്ഥന്മാരും, ശമ്പളമില്ലാത്ത അനുദ്യോഗസ്ഥന്മാരും ആവശ്യപ്പെട്ടാൽ അനുദ്യോഗസ്ഥന്മാർക്കാണു കൂടുതൽ ടി. എ. കൊടുക്കേണ്ടതെന്നു മെമ്പർക്കറിയാമോ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: അറിയാം.

Mr. J. John Kattakayam: അനുദ്യോഗസ്ഥന്മാർക്കു ടി. എ. കൊടുക്കുന്നതിൽ ഗവർമ്മെൻറു ശ്രദ്ധിക്കുമോ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: ആലോചിക്കാം.

Mr. J. John Kattakayam: ഇനി അനുദ്യോഗസ്ഥ മെമ്പർമാർ ആവശ്യപ്പെട്ടാൽ കൊടുക്കുമോ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : പള്ളിവാസൽ ഫംക്ഷൻ കഴിഞ്ഞ ഒരു കാര്യമാണ്; അതുകൊണ്ടു ഇനി അതിനെപ്പററി ആലോചിക്കേണ്ട ആവശ്യമില്ല.

Mr. J. John Kattakayam : കഴിഞ്ഞ യാത്രകൾക്കല്ലേ ടി. എ. ആവശ്യപ്പെടാറുള്ളത്?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: അതെ, പക്ഷേ പള്ളിവാസൽകാര്യം കാലഹരണമായിപ്പോയി എന്നാണു തോന്നുന്നത്..

Mr. J. John Kattakayam : കാലഹരണം എത്രകാലത്തേക്കാണെന്നറിയാമോ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : അതു ചട്ടത്തിലുണ്ട്.

Mr. J. John Kattakayam : ൩ കൊല്ലമാണു കാലഹരണത്തിനുള്ളത്. അതുകൊണ്ട് ഇതു കാലഹരണമായില്ലെന്നു മെമ്പർക്കറിയാമോ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: കാലഹരണമായില്ലെങ്കിൽ അതിനെപ്പററി ആവശ്യമുണ്ടെങ്കിൽ ആലോചിക്കുന്നതാണ്.

Mr. K. P. Nilakanta Pillai (*Chirayinkil cum Nedumangad*) : May I know whether the function of laying the foundation stone of the Pallivasal Power House was an official one?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : Yes.

Mr. K. P. Nilakanta Pillai : May I know whether there was any allotment towards that function?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : Yes, Sir.

Mr. K. P. Nilakanta Pillai : May I know on what business these Heads of Departments went to Pallivasal, whether they went purely for this business or for any other?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : Some officers went for this function, others were touring in that District and during their tour they attended this function.

Mr. K. P. Nilakanta Pillai : May I know whether T. A. has been given to these officers who went purely for this purpose?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : Yes.

Mr. K. P. Nilakanta Pillai : Regarding those officers, may I know whether Government have received a programme of their tour?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: Generally the officers send their tour programmes to Government.

Mr. K. P. Nilakanta Pillai: May I know the total amount spent on account of T. A. for going to Pallivasal?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: I claim notice.

Order of the K. D. H. P. Company re *the planting of tea.*

54. ***Mr. G. Narayana Aiyar** (*Kunnatnad* cum *Parur*): Will the Government be pleased to state:

(*a*) whether it is a fact that Mr. C. O. Madhavan, when he was the Commissioner of Devicolam, issued a notice to the Kannan Devan Hills Produce Company prohibiting them from planting any more tea in the area till then remaining uncultivated;

(*b*) if the answer to part (*a*) is in the affirmative, when the notice was sent to the Kannan Devan Hills Produce Company;

(*c*) whether it is a fact that, ignoring such notice, the Kannan Devan Hills Produce Company planted vast area with tea, and, if so, what is the extent so planted and when was the plantation effected: and

(*d*) if the answer to part (*c*) is in the affirmative, what action was taken by the Government in the matter?

Mr. K. George (*Land Revenue and Income-Tax Commissioner*): (*a*) No.

(*b*), (*c*) and (*d*) In view of the answer to part (*a*) these questions do not arise.

Dispensing with the services of teachers.

55. ***Mr. J. John Kattakayam**: Will the Government be pleased to state:

(*a*) whether the services of teachers, both male and female, of the Middle Schools for boys and girls, under the management of one Mr. Sinclair, at Martandam, have been dispensed with, without giving previous notice;

(*b*) if so, the names of the teachers whose services have been dispensed with; and

(*c*) the reasons therefor?

Mr. C. V. Chandrasekharan (*Director of Public Instruction*): (*a*) The answer is in the negative.

(*b*) and (*c*) These do not arise in view of the answer to part (*a*).

Mr. J. John Kattakayam: ഈ ചോദ്യത്തിനുത്തരമായി അറിവില്ല എന്നു പറയുന്നു. ഈ സമീപകാലത്തു വിവാഹിതകളാണെന്നുള്ള കാരണത്താൽ അനേകംപേരെ പിരിച്ചുവിട്ടു. ഇങ്ങനെ മറുപടി പറയുകയാണെങ്കിൽ എങ്ങനെയാണു് ഉപചോദ്യം ചോദിക്കുക?

Mr. C. V. Chandrasekharan : Their services were dispensed with after previous notice.

Mr. J. John Kattakayam : മുന്നറിവു കൊടുക്കാതെ ആരെയെങ്കിലും പിരിച്ചു വിട്ടതായി അറിയാമോ?

Mr. C. V. Chandrasekharan : No, Sir.

Mr. J. John Kattakayam : സർ, എന്റെ ചോദ്യങ്ങൾക്ക സാധാരണ മലയാളത്തിലാണ് ഉത്തരം പറയാറുള്ളതു്.

President : The honourable member I thought spoke in Tamil on the last occasion.

Mr. C. V. Chandrasekharan : But the other day the honourable member read a passage with staggering force and fluency in English. So I thought the member would be able to understand me.

President : The honourable member's desire to speak the language and understand it might be of a limited character.

Mr. J. John Kattakayam : മുന്നറിവുകൂടാതെ പിരിച്ചു വിട്ടതായി അദ്ധ്യാപകന്മാരുടെ പെററിഷൻ വന്നിട്ടുള്ളതായി മെമ്പർക്കറിയാമോ?

Mr. C. V. Chandrasekharan : മുന്നറിവുകൂടാമൽ പിരിത്തു വിട്ടതാക ഉപാദ്ധ്യായർകളും മുന്നറിവുകൊടുത്തു പിരിത്തുവിട്ടതാക മാനേജർമാരും ചൊല്ലുകിറാർകൾ

Mr. J. John Kattakayam ; അങ്ങനെ മുന്നറിവുകൂടാതെ എത്രപേരെ പിരിച്ചുവിട്ടുഎന്നു മെമ്പർക്കറിയാമോ?

Mr. C. V. Chandrasekharan : അപ്പിടിഒരുവരേയും പിരിത്തുവിടലൈന്റു മാനേജർമാർ ചൊല്ലുകിറാർകൾ

Mr. V. S. Arumukham Pillai (*Tovala* cum *Agastisvaram*) : Sir, the member puts the question in Malayalam and the answer is given in Tamil. May I know whether there is any provision for Tamil reporting?

President : I think it will be reported in Malayalam.

Mr. K. P. Nilakanta Pillai : May I know the reason for so dispensing with their services?

Mr. C. V. Chandrasekharan : There is a rule in the schools of this Mission, that when a female teacher marries or applies for maternity leave, her services may be dispensed with.

Mr. K. P. Nilakanta Pillai : May I know whether this institution receives any grant-in-aid from the department?

Mr. C. V. Chandrasekharan: Yes.

Mr. K. P. Nilakanta Pillai: May I know whether that clause in the management of the school has been approved by the department?

Mr. C. V. Chandrasekharan: I am afraid I must claim notice.

Mr. K. P. Nilakanta Pillai: May I know whether such a rule is prevalent in the department?

Mr. C. V. Chandrasekharan: No, Sir; but I sometimes wish that the rule could be enforced in the departmental schools also.

Alleppey-Changanachery canal.

56. ***Mr. K. Padmanabha Panickar** (*Ambalapuzha*): Will the Government be pleased to state:

(*a*) the extent of land that is to be acquired for the completion of the Alleppey-Changanachery canal that has already been cut in bits;

(*b*) the probable amount of compensation that has to be paid; and

(*c*) whether they have received any representation from the public in the year 1111 requesting them to complete the canal?

Mr. K. Madhava Kurup: (*a*) 296·15 cents excluding the Kandukrishi lands.

(*b*) Rs. 5,435.

(*c*) Yes.

Mr. K. Padmanabha Panickar: May I know with reference to the answer to part (*c*), whether any action has been taken over the representation which has been passed to the Chief Engineer?

Mr. K. Madhava Kurup: They were sent to the Chief Engineer and he has been asked to investigate and report on the three alternative routes.

Mr. M. N. Paramesvaran Pillai (*Municipal Councils*): May I know whether Government have decided the route?

Mr. K. Madhava Kurup: No.

Mr. M. N. Paramesvaran Pillai: Without settling the route how were the Government able to fix the compensetion and the area to be acquired?

Mr. K. Madhava Kurup: The answer to parts (*a*) and (*b*) relate to the lands required for completing the first and second sections of the canal as originally aligned.

Defalcations in Treasuries.

57. *__Mr. J. John Kattakayam:__ Will the Government be pleased to state :

(*a*) the number of persons who, during the last six years, made defalcations in Treasuries, the number and amounts of such defalcations and the kinds of punishment meted out to persons who were responsible for such defalcations ;

(*b*) whether counterfeit notes and coins are handled in Treasuries, and

(*c*) whether there have been any such cases, whether any persons have been prosecuted on that account, and, if so, their number ?

Mr. K. George: (*a*) A *statement furnishing the information is laid on the table.

(*b*) No, not generally.

(*c*) Yes ; two.

Mr. J. John Kattakayam: പാർട്ട് എ. ഈ ലിസ്റ്റിൽ കൽക്കുളം സബ് ട്രഷറിയിൽ നടന്ന പണാപഹരണത്തെ സംബന്ധിച്ചു ഗവന്മെന്റിനു നഷ്ടം വന്ന തുക കെട്ടിവച്ചു എന്നു പറയുന്നു. മറ്റു സ്ഥലങ്ങളിലെ പണാപഹരണത്തെ സംബന്ധിച്ചു അങ്ങിനെ രേഖപ്പെടുത്തിയിട്ടില്ല. അതിനു വല്ല പ്രത്യേക കാരണവുമുണ്ടോ?

Mr. K. George: പ്രത്യേക കാരണമൊന്നുമില്ല. രണ്ടാമത്തെ ഐറ്റവും, മൂന്നാമത്തെ ഐറ്റവും നടപടി നടത്തി പണം ഈടാക്കി.

Mr. J. John Kattakayam: അങ്ങിനെയാണെങ്കിൽ ഒന്നിനെ സംബന്ധിച്ചു മാത്രം പണം ഈടാക്കി എന്നു പറയുവാനുള്ള കാരണമെന്താണു ?

Mr. K. George: ഒന്നു മാത്രം പറഞ്ഞുവെന്നേയുള്ളു.

Mr. J. John Kattakayam: കുന്നത്തൂർ ട്രഷറിയിൽ പണാപഹരണം നടത്തിയ ആളിനെ ഡിസ്മിസ് ചെയ്തുവെന്നു പറയുന്ന അയാളുടെ മേൽ ക്രിമിനൽ നടപടി വല്ലതും നടത്തിയോ?

Mr. K. George: ക്രിമിനൽ കേസെടുത്തു. പോലീസുകാർ അന്വേഷണം നടത്തിയപ്പോൾ അയാൾ പുറപ്പെട്ടു പൊയ്ക്കളഞ്ഞതായി അറിഞ്ഞു.

Mr. J. John Kattakayam: ക്രിമിനൽ കേസ് എടുക്കണമെന്നു മെമ്പർ ആവശ്യപ്പെട്ടിട്ടുണ്ടോ?

**Vide* Appendix I— page 268.

Mr. K. George: ഉണ്ട്. അതിന്മേൽ പോലീസുകാർ നടപടി നടത്തുകയും ചെയ്തു.

Mr. J. John Kattakayam: ഓടിപ്പോയ ആളിന്റെ മേലുള്ള നടപടി ഇപ്പോഴും നടന്നുകൊണ്ടിരിക്കയാണോ അതോ നിറുത്തി വച്ചിരിക്കയാണോ?

Mr. K. George: ഇനി നടപടി നടത്തേണ്ട ആവശ്യമില്ലെന്നു വച്ചിരിക്കയാണ്.

Mr. J. John Kattakayam: കാണാതെപോയ പണം മുഴുവനും ഈടാക്കിയോ?

Mr. K. George: ഈടാക്കി. അതായത് ഷ്രോഫരുടെ സെക്യൂരിറ്റിയിൽനിന്നു ആയിരം രൂപായും അയാളുടെ വസ്തുക്കൾ കണ്ടുകെട്ടി ശേഷം രൂപായും ഈടാക്കി.

Mr. J. John Kattakayam: ഷ്രോഫിയിൽ കള്ളനോട്ടും കള്ളനാണയങ്ങളും ഉപയോഗിക്കുന്നില്ലെന്നു പറഞ്ഞു. ആ സ്ഥിതിക്കു പാർട്ടീസിനു നൽകിയ മറുപടിയിൽ ഇങ്ങനെയുള്ള രണ്ടു കേസുകളെപ്പറ്റി പറയുവാനുള്ള കാരണമെന്താണ്?

Mr. K. George: മറുപടിയിൽതന്നെ 'സാധാരണയായിട്ട്' എന്നാണ് പറഞ്ഞിട്ടുള്ളത്.

Mr. J. John Kattakayam: ഈ രണ്ടു സംഗതിയും അസാധാരണയായാണോ?

Mr. K. George: അതെ.

Scarcity of water in the Devicolam Cutcherry settlement area.

58. ***Mr. G. Narayana Aiyar:** Will the Government be pleased to state whether there is scarcity of water for drinking as well as for bathing purposes in the Devicolam Cutcherry settlement area?

Mr. K. Parmesvara Panickar (*Ag. Secretary to Government*): Yes, it is being remedied.

Mr. G. Narayana Aiyar: May I know what are the steps that have been taken to remedy the defect?

Mr. K. Parmesvara Panickar: Recently an estimate for a sum of Rs. 2,500 has been sanctioned and there is a provision to that extent in the P. W. D. budget for the current year.

Mr. G. Narayana Aiyar: May I know when was the amount sanctioned?

Mr. K. Paramesvara Panickar: September 1936.

Divorce proceedings under the Nayar Regulation.

59. ***Mr. M. N. Paramesvaran Pillai**: Will the Government be pleased to furnish information regarding the following :—

(*a*) how many divorce proceedings have been instituted in the various Munsiffs' Courts of the State under the Nayar Regulation II of 1100 ;

(*b*) what are the dates on which the respective proceedings were started and terminated ;

(*c*) how many adjournments were there in each case ; how many of them were at the instance of the parties, and of the Courts and how many on account of the absence of the delegates or witnesses ;

(*d*) what is the cost incurred by the parties in each case ; and

(*e*) whether any inconvenience is caused to the parties concerned on account of the present system of enquiry in divorce cases ?

Mr. Kayalam Paramesvaran Pillai: (*Additional Head Sirkar Vakil*): (*a*), (*b*), (*c*) and (*d*). A statement furnishing the information required is available for perusal in the office of the Secretary to the Sri Chitra State Council.

(*e*) There may be some inconvenience which is incidental to litigation.

Mr. M. N. Paramesvaran Pillai: Sir, it is stated that a statement furnishing the information required is available for perusal in the office of the Secretary to the Sri Chitra State Council. May I know whether this statement will be published in the proceedings ?

Mr. Kayalam Paramesvaran Pillai: No, Sir.

Mr. M. N. Paramesvaran Pillai: In that case may I know how the members will be able to peruse it ?

Mr. Kayalam Paramesvaran Pillai: They may go to the Secretary's office and peruse.

Mr. S. Piraviperumal Pillai: On a point of order. Sir, some questions are starred and some unstarred. The object of a starred question is to ask supplementary questions. If this was an unstarred question I could have understood the arguments of the Law Member. If the statement furnishing the information is available in the office of the Secretary how will we able to put supplementary questions ? Supplementary questions to at least starrrd questions should be answered on the floor of the House.

President: Presumably the answer has taken the form it has, because the statement is a very long and elaborate one and the idea occurred to those responsible not to print it along with this. But what the honourable member has said is noted.

Mr. M. N. Paramesvaran Pillai : May I know whether any of the proceedings has been terminated during two years' time?

Mr. Kayalam Paramesvaran Pillai : Yes, some have.

Mr. M. N. Paramesvaran Pillai : May I know the percentage ?

Mr. Kayalam Paramesvaran Pillai : I have not made a calculation.

Mr. M. N. Paramesvaran Pillai : May I know whether Government think of amending the Section of the Nayar Regulation ?

Mr. Kayalam Paramesvaran Pillai : No.

Dispute between the Nagercoil Municipality and the Pioneer Company.

60. ***Mr. N. K. Padmanabha Pillai** (*Neyyattinkara cum Nedumangad*) : Will the Government be pleased to state :

(*a*) how long it is since there has been a dispute between the Nagercoil Municipality and the Pioneer Company regarding certain matters which the Government have been appraised of ; and

(*b*) whether they have come to any definite decision in the matter ?

Rao Bahadur Rjyasevanirata Dr. N. Kunjan Pillai : (*a*) Nearly four years.

(*b*) No.

Improvement Valuation Bill:

61. ***Mr. J. John Kattakayam :** Will the Government be pleased to state :

(*a*) whether they have received representations from the public praying that the Improvement Valuation Bill introduced in the Assembly by Mr. Vattapparambil Raman Pillai and which has gone through its second reading should not be passed into a Regulation ; and

(*b*) whether the people of this country have, at any time, clamoured for the alteration of the prevailing practice of valuing improvements, the decisions connected with it or the existing rules relating there-to ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai :

(*a*) Yes.

(*b*) Government have no information.

Mr. J. John Kattakayam: ഈ നിവേദനത്തിന്മേൽ എന്തു നടപടി നടത്തി എന്നു മെമ്പക്ഷ പറയാമോ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: നിവേദനങ്ങളെല്ലാം സൂക്ഷിച്ചു വച്ചിരിക്കയാണ്. ബിൽ ഈ കൌൺസിലിൽ തന്നെ വാദപ്രതിവാദത്തിലിരിക്കുന്നതുകൊണ്ട് അതിന്റെ തീരുമാനം അറിഞ്ഞിട്ടു ആവശ്യമുള്ളതു് ചെയ്യാമെന്നാണ് ഗവമ്മെന്റു വിചാരിക്കുന്നതു്.

Mr. J. John Kattakayam: ഈ ബില്ലു പാസാക്കരുതെന്നു അഭ്യർത്ഥിച്ചുകൊണ്ടു ഒരു ഡെപ്യൂട്ടേഷൻ ഗവമ്മെന്റിനെ സമീപിച്ചതായിട്ടറിയാമോ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: അറിയാം.

Mr. J. John Kattakayam: അവക്കും ഇതുപോലെയുള്ള ഒരു മറുപടിയാണോ കൊടുത്തതു്?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: അതെ.

Mr. J. John Kattakayam: പൊതുജനോപദ്രവകരമായ ഒരു ബില്ലാണിതെന്നറിഞ്ഞിട്ടും ഒരു വ്യക്തി കൊണ്ടുവന്ന ഈ ബില്ലിനെ സ്വീകരിക്കുവാനുള്ള കാരണമെന്താണ്?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: പൊതുജനോപദ്രവകരമാണിതെന്നറിവില്ല.

Mr. N. K. Padmanabha Pillai: May I know whether the Government would do anything for the Bill being discussed in this House?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: The Bill will come up for discussion in this House.

Appointments in the Excise Department from 1-1-1111.

62. ***Mr. E. P. Varghese**: Will the Government be pleased to state:

(*a*) the names of persons appointed for the first time in the Excise Department since 1-1-1111 and their initial salaries;

(*b*) whether any of such first appointments were made direct by Government, and, if so, which of them; and

(*c*) the names of persons transferred since 1-1-1111 to the Excise Department from the other departments, with the salaries they obtained in the old department and in the Excise Department on transfer?

Mr. C. O. Madhavan (*Excise Commissioner*): (*a*), (*b*) and (*c*) Three *statements furnishing the required information are laid on the table.

**Vide* Appendix II—pages 269 to 275.

European Commissioner for Devicolam.

63. ***Mr. G. Narayana Iyer**: Will the Government be pleased to state :

(*a*) whether any of the European planters in Devicolam petitioned them in 1110 or 1111 for the appointment of a European officer as Commissioner of Devicolam ; and

(*b*) if the answer to part (*a*) is in the affirmative, will they be pleased to lay a copy of the petition on the table ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: (*a*) No such petition has been received.

(*b*) In view of the answer to part (*a*) this does not arise.

Sannads for practising as Vakils granted to retired Judicial Officers.

64. ***Mr. M. N. Paramesvaran Pillai**: Will the Government be pleased to furnish information on the following points:-

(*a*) how many Judges of the High Court have been given the *sannad* after their retirement for practising as vakils in the courts of Travancore ;

(*b*) how many other judicial officers have been given the *sannad* after their retirement for practising ;

(*c*) whether any resolutions of protest have been received from the Vakils' Associations, and, if so, what action has been taken on such resolutions ; and

(*d*) whether Judges of the High Courts in British India are permitted to practise after retirement, and, if not, why ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: (*a*) Five.

(*b*) Five.

(*c*) A resolution protesting against retired Judges being allowed to practise in law courts has been received from the Travancore High Court Vakils' Association. The question is engaging the attention of Government.

(*d*) Government understand that permanent Judges of the Indian High Courts have to give an undertaking when appointed that they will not practise within the jurisdiction of the High Court of which they were Judges.

Mr. M. N. Paramesvaran Pillai: It is given as answer to part (*d*) that "Government understand that permanent judges of the Indian High Courts have to give an undertaking when appointed that they will not practise within the jurisdiction of the High Court of which they were judges". May I know on what principle the above specified undertaking is insisted upon ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: That is the practice in British India.

Mr. M. N. Paramesvaran Pillai: May I know on what principle such an undertaking is insisted upon?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: The principle, I believe, is that judges of the Indian High Courts should not practise within the jurisdiction of the Courts in which they were judges.

Mr. M. N. Paramesvaran Pillai: May I know whether the Travancore Government have any idea of insisting upon honourable judges of the High Court not to practise after their retirement?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: There is no such idea at present.

Protests against retired judges practising as vakils.

65. ***Mr. K. P. Nilakanta Pillai:** (*Chirayinkil cum Nedumangad*): Will the Government be pleased to state whether they have received a resolution adopted by the Trivandrum Vakils' Association protesting against retired judges being allowed to practise in law courts, and, if so, what action has been taken in the matter?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: A resolution has been received from the Travancore High Court Vakils' Association relating to retired High Court Judges and the matter is engaging the attention of Government.

Applications for loans from the Land Mortgage Bank.

66. ***Mr. N. K. Padmanabha Pillai:** (1) With reference to the applications for loans from the Land Mortgage Bank, will the Government be pleased to lay on the table a statement showing the total number of applications received in 1111 and 1112 up-to-date (7-4-1112) and also the total amount applied for, as distributed among the several taluks of the State?

(2) Will they be pleased to state:

(*a*) how many of the applications are from Government Officers as such and how many from agriculturists and the amount applied for by these two classes, respectively;

(*b*) how many applications were rejected by the Board; and

(*c*) how many times the Board of Directors of the Bank met?

Rao Bahadur A. Rangasvami Aiyar (*Financial Secretary to Government*): (1) The *statement is laid on the table.

*Vide Appendix III—Page 276.

2. (*a*).

		No. of Applications.
Applications from Government Officers as such.		Nil.

	No. of applications.	Amount Bh. Rs.
Applications from agriculturists—1111 ...	318	5,04,525
Applications from agriculturists—1112 ...	70	1,04,845

(*b*) 1111 ... ... 26 applications,
1112 ... . 1 application.

(*c*) Twelve meetings of the Board of Management of the Bank were held in 1111 and two in 1112.

Silting up of the Periyar from Vazhakkulam to Tottumukku.

67. ***Mr. G. Narayana Aiyar:** Will the Government be pleased to state:

(*a*) whether it is a fact that the major part of the Periyar river from Vazhakulam to Tottumukku in the Alwaye pakuthi has been silted up and rendered unfit for transporation of cargo during the period from Dhanu to the middle of Edavam every year; and

(*b*) if the answer to part (*a*) is in the affirmative, how long it is since the silting began?

Mr. K. Madhava Kurup: (*a*) Yes.

(*b*) No information is available.

Mr. G. Narayana Aiyar: With reference to the answer to part (*a*) may I know whether the public are not put to serious inconveniences?

Mr. K. Madhava Kurup: As a matter of fact, there is considerable silting from Malayattur up to Alwaye and Varapuzha. Government have recently sanctioned a maintenance estimate of Rs. 50 per mile for all the 20 miles for canalising the river.

Text-Books.

68. ***Mr. J. John Kattakayam**: Will the Government be pleased to state:

(*a*) whether "Pathinnalu Vritham" can be bought for one chuckram;

(*b*) whether any notification has been published in the Gazette stating that students are not purchasing text-books selected by the Government;

(*c*) the price of "Bhagavath Doothu" of Mr. T. T. Kesavan Sastri, approved by the Government:

(*d*) whether anybody else has published this book with preface and commentary;

(*e*) the names of publishers who printed and published the same books against those approved by the Government ;

(*f*) whether any enquiry is being conducted about this ;

(*g*) whether the "History of Travancore" by Mr. T. K. Velu Pillai had been included in the first list ; and

(*h*) if not, why the same was included later on ?

Mr. C. V. Chandrasekharan : (*a*) The information is not available.

(*b*) No.

(*c*) The price of the book is 21 chs.

(*d*) and (*e*) It is reported that the Kalavilasini Publishing House, Trivandrum, and the S. R. V. Book Depot, Branch Trivandrum, have printed and published other editions of the same book.

(*f*) No.

(*g*) No.

(*h*) The list of books on non-language subjects for higher forms of English schools was not published along with the first lists.

Non-official protests against transfer of municipal funds by the President of the Trivandrum Municipal Council.

69. ***Mr. M. N. Paramesvaran Pillai :** Will the Government be pleased to state, whether the non-official members of the Trivandrum Municipal Council have submitted a memorandum protesting against the transfer by the President of a lakh of rupees from the municipal fund in favour of the Water Works and Drainage Engineer at the instance of Government, and, if so, what action has been taken thereon?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: Yes ; the matter is under consideration.

Mr. M. N. Paramesvaran Pillai : May I know from the member when the memorandum was submitted ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : It was received on the 7th September 1936.

Mr. M. N. Paramesvaran Pillai: How long will Government take to consider the memorandum ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : Government cannot exactly say how long they will take, but all that they can say is that it is under consideration and that its disposal will be expedited as much as possible.

Scarcity of drinking water in Parasala and Karumkulam pakuthies.

70. ***Mr. N. K. Padmanabha Pillai :** Will the Government be pleased to state :

(*a*) whether they are aware that good drinking water is not available in Parasala and Karumkulam pakuthies in Neyyattinkara taluk ; and

(*b*) if the answer to part (*a*) is in the affirmative, what action has been taken in the matter ?

Mr. K. Paramesvara Panickar: (*a*) Yes ; only in certain parts of the Karimkulam pakuthi ;

(*b*) So far, eight wells have been sunk in various parts of the Karimkulam pakuthi. Proposals for sinking two more wells immediately are under consideration.

Mr. N. K. Padmanabha Pillai: May I know whether any well was sunk at Parasala?

Mr. K. Paramesvara Panickar: There are already ten wells at Parasala.

Sittings of the District Court, Parur, from 9-11-1111 to 1-12-1111.

71. ***Mr. G. Narayana Aiyar:** Will the Government be pleased to state :

(*a*) whether there was no sitting of the District Court of Parur from 9-11-1111 to 1-12-1111 ; and

(*b*) if the answer to part (*a*) is in the affirmative, what was the reason for the same?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai:

(*a*) No.

(*b*) The appointment of the District Judge, Parur, as Ag. judge, High Court and the delay in the substitute's taking charge of the District Court.

Mr. G. Narayana Aiyar: With reference to the answer to part (*b*) when was the acting judge appointed and the permanent judge left Parur ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: I believe the final orders about the appointment of the acting judge were communicated to the High Court on 32-11-1111.

Mr. G. Narayana Aiyar: May I know what was the reason for the delay in making necessary arrangements from 9-11-1111 ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: The delay was due to the careful consideration that had to be given to the matter. Some correspondence had to pass between the Government and the High Court before the acting appointment could be sanctioned.

Mr. G. Narayana Aiyar: May I know whether the High Court did recommend anybody ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai The correspondence on the subject is confidential, Sir.

Mr. G. Narayana Aiyar: May I know the date when the High Court made the recommendation and the name of the person recommended?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: The correspondence, the date and everything connected with the subject are confidential.

Cases posted for trial in the Parur District Court.

72. ***Mr. G. Narayana Aiyar:** Will the Government be pleased to lay on the table a statement showing:

(*a*) the number of civil as well as criminal cases, including Sessions cases, that stood posted on the various dates from 9-11-1111 to 1-12-1111 in the Parur District Court;

(*b*) the number of under-trial prisoners as well as accuseds involved in all those cases; and

(*c*) the number of witnesses summoned to appear on those days?

Rao Bahadur Rajyasevanirata Dr. N Kunjan Pillai:

(*a*), (*b*) and (*c*) The *statement required is laid on the table.

Bridge over the Neyyar at Mandapattukadavu.

73. ***Mr. N. K. Padmanabha Pillai:** With reference to the necessity for a bridge over the Neyyar at Maudapattukadavu in Ottasekharamangalam pakuthi, which was the subjectmatter of question No. 45 answered in the Council on 18-6-1110 (Vol. IV, No. 4), will the Government be pleased to state:

(*a*) whether the construction of the bridge was left to wait until the three traces leading to it are made fit for cart traffic;

(*b*) whether the three traces referred to have been made fit for cart traffic; and

(*c*) if the answer to part (*b*) is in the affirmative, what is the delay in starting the construction of the bridge?

Mr. K. Madhava Kurup: (*a*) Yes.

(*b*) Only two traces have been made fit for traffic.

(*c*) A rough estimate has been called for by the Chief Engineer for the construction of the bridge.

Prohibition of prayer in schools.

74. ***Mr. J. John Kattakayam:** Will the Government be pleased to state:

(*a*) whether they have issued orders prohibiting the conduct of prayers and worship in schools during holidays;

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* *Vide* appendix IV—page 277.

(*b*) whether it has been ordered that schools should not be conducted in places where separate arrangements have been made for worship and prayer;

(*c*) the reasons for the direction in the orders that such institutions should be shifted within a period of three years; and

(*d*) whether schools are being conducted in shrines?

Mr. C. V. Chandrasekharan: (*a*), (*b*), (*c*) and (*d*) Attention of the member is invited to the G. O. R. O. C. No. 3574 of 36/Edn. dated 23-11 1936, published on pages 319 to 322 of Part I of the Travancore Government Gazette, dated 24-11-1936.

Mr. J. John Kattakayam: അനദ്ധ്യയന ദിവസങ്ങളിലും അനദ്ധ്യയന സമയങ്ങളിലും വിദ്യാലയങ്ങളിൽ പ്രാർത്ഥന നടത്തുവാൻ പാടില്ലെന്നുള്ള ഒരോർഡർ ഉണ്ടാക്കുവാൻ ഗവൺമെൻറിനെ പ്രേരിപ്പിച്ച സംഗതിയെന്താണ്?

Mr. C. V. Chandrasekharan: അന്ത വിഷയം മുഴുവനും ഗവൺമെൻറുത്തരവിൽ ചൊല്ലിയിരുക്ക്.

Mr J. John Kattakayam: അതിനുള്ള കാരണങ്ങളൊന്നും തന്നെ ആർഡറിൽ പറഞ്ഞിട്ടില്ല.

Mr. C. V. Chandrasekharan: ഇരുക്ക്. ബഹുമാനപ്പെട്ട മെമ്പർ അതൈ വാശിച്ചു പാർത്താൽ കൊള്ളാം.

Mr. J. John Kattakayam: ഇതു സംബന്ധിച്ച എന്തെങ്കിലും അപേക്ഷകളൊ പരാതികളൊ കിട്ടിയിട്ടുണ്ടോ?

Mr. C. V. Chandrasekharan: അതും അന്ത ആർഡറിൽ ചൊല്ലിയിരുക്കിറത്.

Wells sunk or repaired in 1110 and 1111.

75. * **Mr. N. K. Padmanabha Pillai:** Will the Government be pleased to state:

(*a*) whether the Director of Public Health submitted a list of wells to be sunk or repaired in 1110 and 1111; and

(*b*) if so, what was the number of wells in that list and what was the number sunk or improved in 1110 and 1111?

Mr. K. Paramesvara Panickar: (*a*) No; he did not submit to Government any such list.

(*b*) This does not arise.

Appendix I.

***Vide* Answer to Question No. 57**

Statement showing the defalcations in Treasuries during the last six years.

Name of Treasury.	No. of persons who made the defalcation.	No. of defalcation.	Amount of defalcation.	Punishment.
Kalkulam Sub-Treasury	1	1	Rs. 178-16-0	The delinquent Treasurer was placed under suspension for four months. The amount was made good by him.
Neyyattinkara Sub-Treasury.	1	1	Rs. $92\frac{1}{2}$	The delinquent Treasurer was placed under suspension. Criminal proceedings were taken against him but he was acquitted by the High Court. A departmental enquiry is now being conducted.
Kunnathur Sub-Treasury.	2	1	Rs. 2,699-13-9	The Treasurer was dismissed. The Head Accountant was suspended for six months.
Do.	1	1	Rs. 157-14-0	The delinquent Treasurer was compulsorily retired with a reduction of Rs. 5 from his pension.

Appendix—II A.

Vide Answer to Question No. 62

Statement showing the names of persons appointed for the first time in the Excise Department from 1-1-1111 to 30-3-1112 and their initial salaries.

Serial No.	Names of persons appointed.	Nature of appointment.	Initial salary.	Remarks.
			Rs.	
1	M. K. Mathai B. A. ...	Ag. II Grade Sub-Inspector	35	
2	K. Palpoo B. A. ...	Do.	35	
3	K. Raghavan Pillai ...	Do.	35	
4	T. C. George B. A. ...	Do.	35	
5	C. R. Velayudhan Pillai ...	Do.	35	
6	M. O. Jacob B. A. ...	Ag. Clerk	20	
7	C. V. Krishnan B. A. ...	Do.	20	Relieved.
8	Rama Varma Raja B. A. ...	Do.	20	Do.
9	Miss V. K. Bharathy ...	Do.	20	Do.
10	Miss Sarojini Devi B. A. ...	Do.	20	Do.
11	Miss P. K. Bharathy B. A. ...	Do.	20	Do.
12	G. Vedasiromony B. A. ...	Do.	20	Do.
13	A. M. Jacob B. A. ...	Do.	20	
14	M N. Vasudevan B. A. ...	Ag. IV Grade Petty Officer	18	
15	K. Ahamed ...	Ag. Clerk	20	Relieved.
16	B. Pankajakshi Amma ...	Clerk-Typist	20	
17	S. M. Sheik Sahul Hameed	Ag. Clerk	20	
18	J. George ...	Do.	20	
19	T Anandakrishna Aiyar ...	Do.	20	
20	T. V. Venkiteswara Aiyar ..	Do.	20	
21	S. Subramonian B. A. ...	Do.	20	
22	T. Renganathan ...	Do.	20	
23	G. Kutten Pillai ...	Do.	20	
24	P. S. Narayanan ...	Do.	20	
25	S. Gangadharan ...	Ag. Clerk-Typist	20	
26	V. Veloo Pillai ...	Ag. Clerk	20	
27	K. Atchutha Kurup ...	Do.	20	
28	P. Padmanabha Pillai ...	Do.	20	

APPENDIX II—A. (*contd.*)

Serial No.	Names of persons appointed.	Nature of appointment.	Initial salary.	Remarks.
			Rs.	
29	Miss P. Padmini Kutty ...	Ag. Clerk.	20	
30	K. Sankaran Nair ...	Do.	20	
31	V. Chakrapany ...	Do.	20	
32	K. Damodaran ...	Do.	20	
33	S. Bhaskaran Nair ...	Do.	20	
34	G. Paramesvaran Nair ...	Do.	20	
35	V. R. Narayanan ...	Do.	20	
36	D. Yesunesan B. A. ...	Ag. IV Grade Petty Officer.	18	Relieved
37	Thomas Varkey B. A. ...	Do.	18	
38	K. Narayana Aiyar ...	Do.	18	
39	M. J. Varkey ...	Do.	18	Relieved
40	V. M. Mathew ...	Do.	18	
41	V. Nataraja Aiyar ...	Do.	18	
42	E. K. Sivarama Pillai ...	Do.	18	
43	A. Natarajan ...	Do.	18	
44	W. Thanumalayaperumal Mudaliar ...	Do.	18	
45	K. Vaidyalingom ...	Do.	18	
46	Mahomed Haniffa ...	Do.	18	
47	S. P. Krishna Aiyar ...	Do.	18	
48	U. P. Ramachandra Menon ...	Do.	18	
49	E. J. Jacob ...	Do.	18	
50	K. Viswambaran Nair ...	Do	18	
51	Varkey Thommen ...	Do.	18	
52	V. Narayana Pillai ..	Temporary V Grade Peon.	9	
53	K. N. Paramesvaran Pillai ...	Do.	9	
54	M. K. Gopala Pillai ...	Do.	9	
55	P. S. Narayana Aiyar ...	Do.	9	
56	V. Ramakrishna Panickar...	Do.	9	
57	T. Vasudevan Pillai ...	Do.	9	
58	David Thomas ...	Do.	9	
59	M. Ibrahim Pillai ...	Do.	9	
60	Manthiram Madasvami ...	Do.	9	

APPENDIX—II A(*contd.*)

Serial No.	Names of persons.	Nature of appointment.	Initial salary.	Remarks.
			Rs.	
61	Veerabhagu Raju Raghava Raju ...	Temporary V Grade Peon.	9	
62	G. Atchutban Pillai ..	Do.	9	
63	D. Aseervadom ...	Do.	9	
64	M. Sivarama Panickar ...	Do.	9	
65	Easo Mathai ...	Do.	9	
66	Varghese Jacob ...	Do.	9	
67	A. Saukaran Kutty ...	Do.	9	
68	N. Sankaran Nair ...	Do.	9	
69	V. Narayana Pillai ...	Do.	9	
70	N. Chellappan Pillai ...	Do.	9	
71	Chacko Koshy ...	Do.	9	
72	Pareed Kunju Abdur Saku Kunju ..	Do,	9 9	
73	K. Chacko ..	Do.	9	
74	P. S. Narayana Aiyar ...	Do.	9	
75	A. K. Mathai ...	Ag. V Grade Peon.	9	
76	K. Abdul Kani ...	Do.	9	
77	M. Sankaran Nair ...	Do.	9	
78	C. K. Bhaskaran Nair ...	Do.	9	
79	V. C. Balakrishnan Nair ..	Do.	9	
80	K. K. Ponnappan Nair ...	Do.	9	
81	S. Nilakantan ...	Do.	9	
82	S. Damodaran Nair ...	Do.	9	
83	C. Sanku ...	Do.	9	
84	V. K. Mani ...	Do.	9	
85	Mathai Peely ...	Do.	9	
86	G. Kuttappan Pillai ...	Do.	9	
87	G. Subramonia Aiyar ...	Do.	9	
88	K. Govinda Pillai ...	Do.	9	
89	S. Thanumalayaperumal Pillai ...	Do.	9	
90	S. Ramakrishnan ...	Do.	9	
91	M. Subbiah Thevar ...	Do.	9	
92	R. Selvamuthu Nadar ...	Do.	9	
93	R. A. Azaries	Do.	9	

APPENDIX—II A (*contd.*)

Serial No.	Name of persons appointed.	Nature of appointment.	Initial salary.	Remarks.
			Rs.	
94	Vedamonickam Chelliah ...	Ag. V Grade Peon	9	
95	M. Ponniahmuthu ...	Do.	9	
96	Samuel Yesudian ..	Do.	9	
97	Shaik Ahamed ...	Do.	9	
98	P. Velayudhan Nair ...	Do.	9	
99	N. Divakaran ...	Do.	9	
100	N. K. Mathai ...	Do.	9	
101	K. G. Raghava Panickar ...	Do.	9	
102	S. Venkitachalam Aiyar ...	Do.	9	
103	E. V. Gopala Pillai ...	Do.	9	
104	K. Raghavan Nair ..	Do.	9	
105	K. Narayana Kurup ...	Do.	9	
106	K. Vasudevan Nair ...	Do.	9	
107	S. Kolappa Pillai ..	Do.	9	
108	R. Madhavan Pillai ...	Do.	9	
109	A. Sankaralingom Asari ..	Do.	9	
110	Kesavan Veloo ...	Do.	9	
111	C. P. Philiphose ...	Do.	9	
112	K. R. Thankappan ..	Do.	9	
113	R. Raghavan Pillai ...	Do.	9	
114	K. Raghavan Pillai ...	Do.	9	
115	P. K. Paramesvaran Pillai ..	Do.	9	
116	Atchuthan Aiyappan ...	Do.	9	
117	P. M. Abdul Kadir ...	Do.	9	
118	Sulaiman ..	Do.	9	
119	T. G. Sankaran Nair ...	Do.	9	
120	V. K. Raghavan ...	Do.	9	
121	P. Sivasankaran ...	Do.	9	
122	A. Gopala Pillai ...	Do.	9	
123	K. N. Raghavan Nair ...	Do.	9	
124	K. Govindan ...	Do.	9	
125	Madhavan Krishnan ...	Do.	9	
126	P. Rama Aiyangar ...	Do.	9	

APPENDIX II—A (*contd.*)

Serial No.	Names of persons appointed.	Nature of appointment.	Initial salary.	Remarks.
			Rs.	
127	John Thomas ...	Ag. V Grade Peon	9	
128	N Vasudevan ...	Ag. Mochee	11	
129	Varkey Ponnan ...	Ag. V Grade Peon	9	
130	V. K. Krishnan Nair ...	Do.	9	
131	M. G. Narayana Pillai ...	Do	9	
132	P. S. Narayanan ...	Do	9	
133	K. N. Bhaskara Pillai ...	Do.	9	
134	K. Govinda Pillai ...	Do.	9	
135	K. N. Kesava Pillai ...	Do.	9	
136	P. Velu Pillai ...	Do.	9	
137	S. Gopala Pillai ...	Do.	9	
138	A. Bhaskaran ...	Do.	9	
139	S. Raghavan ...	Do.	9	
140	Mahamed Ibrahim Kutty ...	Do.	9	
141	Chinnasvami Konar ...	Do.	9	
142	Narayana Pisharadi ...	Do.	9	
143	Shaik Hajan Oosman ...	Do.	9	
144	P. K. Kuttappan ...	Do.	9	
145	Sankaran Narayanan ...	Do.	9	
146	P. Yohannan ...	Do.	9	
147	Krishnan Pankajakshan ...	Do.	9	
148	Shaik Oommar Ismail ..	Do.	9	
149	A. Narayana Pillai ..	Do.	9	
150	A. Raghavan Nair ...	Do.	9	
151	V. K. Raghavan Pillai ...	Do.	9	
152	N. Sankara Menon ...	Do.	9	
153	N. Govinda Pillai ...	Do.	9	
154	Kunju Pillai Raman ...	Do.	9	
155	K. Madhavan ..	Do.	9	
156	K. N. Sivaraman Nair ...	Do.	9	
157	Paramesvaran Nair Raman Nair ...	Do.	9	
158	N. Raghavan Pillai ...	Do.	9	

APPENDIX II—A (*contd.*)

Serial No.	Names of persons appointed.	Nature of appointment.	Initial salary.	Remarks.
			Rs.	
159	C. K. Karunakaran Pillai ...	Ag. V Grade Peon.	9	
160	Kunjan Nilakantan ...	Do.	9	
161	K. Padmanabha Pillai ...	Do.	9	
162	K. P. Pankajakshan Pillai...	Do.	9	
163	A. Mohamad ...	Do.	9	
164	Aiyappan Atchuthan ...	Do.	9	
165	K. K. Paramesvaran Pillai..	Do.	9	
166	Atchutha Karanavar ...	Do.	9	
167	N. Pankajakshan Pillai ...	Do.	9	
168	Govindan Kesavan Nair ...	Do.	9	
169	K. Kochu Koshi ...	Do.	9	
170	K. R. Madhavan ...	Do.	9	
171	Karunakaran Pillai ...	Do.	9	
172	K. Raghavan Pillai ...	Do.	9	
173	M. Michael B. A. ...	Ag. IV Grade Petty Officer.	18	
174	P. J. Kurien ...	Ag. V Grade Peon.	9	
175	Thomas John ...	Do.	9	
176	T. V. Kitten ...	Do.	9	
177	Varkey Mathen ...	Do	9	

APPENDIX II—B.

List of persons appointed by Government in the Excise Department since 1-1-1111.

Serial No.	Name.	Nature of appointment.	Initial salary.	Remarks.
			Rs.	
1	K. Raghavan Pillai ...	Ag. II Grade Sub-Inspector.	35	Appointed by the Excise Commissioner as directed by Government
2	C. R. Velayudhan Pillai ...	Do.	35	Do.
3	K. Palpoo B. A.	Do.	35	Do.

APPENDIX II—C.

List of persons transferred since 1-1-1111 to the Excise Department from other departments.

Serial No.	Name.	Salary in the old department before transfer.	Salary in the Excise department on transfer.	Remarks.
		Rs.	Rs.	
1	R. N. Krishna Pillai ...	50	60	Under orders of Government.
2	V. R. Krishna Pillai M. A....	25 A.A.Rs. 24-1-5	75	Do.
3	P. Ananda Mohan Nair ...	18	40	Do
4	M. Paramesvaran Pillai ...	11	18	

Appendix III.

***Vide* Answer to Question No. 66.**

Statement showing the No. of applications for loans from the Land Mortgage Bank received in 1111 and 1112 in the different taluks.

Taluk.	Received in 1111.		Received up to 7 4-1112	
	No. of applications	Amount Rs.	No. of applications.	Amount Rs.
Tovala	2	1,700	..	..
Agastisvaram	12	32,275	1	2,300
Vilavankod	..	..	1	700
Kalkulam	1	4,700	..	..
Neyyattinkara	17	26,375	..	..
Trivandrum	85	1,20,025	11	20,700
Nedumangad	5	8,675	4	5,200
Chirayinkil	4	5,650	2	1,600
Quilon	13	16,450	7	11,200
Kunnattur	3	6,650	..	..
Karunagapalli	4	8,825	..	..
Kartikapalli	12	10,150	2	2,325
Mavelikara	12	17,175	..	..
Pattanamtitta	11	8,850	4	2,670
Tiruvalla	11	17,750	3	6,700
Ambalapuzha	22	38,375	5	4,600
Kottarakara	3	6,500	..	..
Pattanapuram	4	9,650	..	...
Shencotta	1	2,000	..	..
Shertala	2	4,800	..	..
Vaikam	3	5,300	1	2,300
Kottayam	32	58,095	14	16,770
Changanachery	17	38,450	8	17,330
Minachil	8	9,230	4	6,250
Muvattupuzha	9	12,300	1	1,200
Todupuzha	15	23,676	2	3,000
Kunnatnad	5	7,800	..	...
Parur	3	3,100	..	...
Total	318	5,04,526	70	1,04,845

Appendix IV.

Vide Answer to Question No. 72

Statement showing the cases posted for trial in the Parur District Court from 9-11-1111 to 1-12-1111

Date.	O. S.	A. S.	S. C. S.	Sessions Cases.	No. of under-trial prisoners and accuseds involved in the case.	Witnesses posted for the day.	Criminal Appeals.
9-11-1111	16	4	3	..	..	..	..
10-11-1111	Holiday		..	..	...	.	..
11-11-1111	11	2	1	1 S. C.	1	3	..
12-11-1111	8	8	2	1 No.	1 Same	3	..
13-11-1111	8	4	1	1 20/11	1 accused	5	...
14-11-1111	5	1	8	1	1	7	..
15-11-1111	Sunday		...	...	...	..	..
16-11-1111	12	9	1	1	1	..	.
17-11-1111	9	9	1	1	12	3	..
18-11-1111	12	6	1	1	12	4	..
19-11-1111	11	5	1	1 S. C.	12	5	..
20-11-1111	15	10	1	1 No.	12 Same	6	1
21-11-1111	Holiday		...	... 22/11	.. accused	..	..
22-11-1111	Sunday		...	..	..	..	..
23-11-1111	14	9	2	1	12	6	1
24-11-1111	12	9	...	1	12	..	1
25-11-1111	10	10	5	..	..	..	..
26-11-1111	8	7	2	1	1	4	...
27-11-1111	8	7	4	1	1	4	..
28-11-1111	9	7	11	1 S. D.	1	5	..
29-11-1111	Sunday		..	.. No.	.. Same	...	...
30-11-1111	10	6	8	1 22/11	1 accused	5	..
31-11-1111	13	5	6	1	1	..	..
32-11-1111	10	3	1	1	1	..	..
1-12-1111	8	4	2	..	..	..	...
Total	209	125	64	3	14	60	3

DEMANDS FOR SUPPLEMENTARY GRANTS.

President : The next item in the Agenda is financial business. I propose to call upon Mr. K. R. Narayana Aiyar to move for his supplementary demand.

AGRICULTURAL DEPARTMENT.

Mr. K. R. Narayana Aiyar : (*Director of Agriculture and Fisheries*) : Sir, I rise to move for a grant not exceeding Rs. 3,600 for expenditure to be incurred in connection with the research scheme on the root diseases of the cocoanut palm in South India financed by the Imperial Council of Agricultural Research, New Delhi.

This Government prepared a very exhaustive scheme on the investigation of the root diseases of the cocoanut palm and submitted it to the Imperial Council of Agricultural Research asking for funds to the extent of Rs. 92,880 spread over a period of five years. The scheme was accepted by the Council with certain modifications as suggested by an expert committee who examined it, and they have sanctioned a sum of Rs. 25,000 for this investigation as a first step spread over a period of 3 years. The Imperial Council of Agricultural Research has provided for the salary and travelling allowance of the Plant Pathologist and his staff and also for contingent expenditure to the extent of Rs. 500. In accordance with this scheme our Government have to give the necessary laboratory accommodation to the Plant Pathologist with chemicals, appliances, etc., supply books and periodicals and further contingent expenditure to the extent of Rs. 500 for carrying on field experiments in affected gardens. It may be asked why this demand was not brought in the regular budget session of the Council. The reason is that this scheme was finally accepted only in last September and the Imperial Council of Agricultural Research has provided funds only very recently. It is therefore an expenditure not contemplated in the budget.

It is hardly necessary for me, Sir, to explain to this House the importance of the scheme as the results of the investigation are likely to afford lasting benefit to the people. And, more than 90 per cent. of the expenditure involved in the scheme is borne by the Imperial Council of Agricultural Research. I hope the House will be pleased to grant this demand.

Mr. J. John Kattakayam : സർ, ഇവിടെ കൃഷി ഡിപ്പാർട്ടുമെൻറാരംഭിച്ചിട്ട് വളരെക്കാലമായി എങ്കിലും അവരുടെ ഇതുവരെയുള്ള പ്രവർത്തനങ്ങൾ കൊണ്ട് ജനങ്ങൾക്ക് പറയത്തക്ക യാതൊരു പ്രയോജനവും ഉണ്ടായിട്ടില്ല.

President : I know the honourable member is capable of raising his voice further than he is able to do now.

Mr. J. John Kattakayam. : കൃഷി ഡിപ്പാർട്ടുമെൻറുകാർ കാണിച്ചുതന്ന മാതൃകയെ അനുകരിക്കുക നിമിത്തം ഇവിടത്തെ കൃഷിക്കാരുടെ സ്ഥിതി വളരെ വിഷമത്തിലായിരിക്കുന്നു. ഈ ഡിപ്പാർട്ടുമെൻറിൻെറ പ്രവർത്തനം തന്നെ വളരെ നഷ്ടത്തിലാണെന്നു് പല സംഗതികളിൽ നിന്നും റിപ്പോർട്ടുകളിൽനിന്നും അവിടത്തേക്കു് മനസ്സിലായിട്ടുണ്ടെന്നു ഞാൻ വിശ്വസിക്കുന്നു.

Mr. E. P. Varghese : Is the member in order in discussing the general policy of the department on a supplementary demand?

President : The honourable member is not in order, but I take it that he is going to give all particulars about palm disease.

Mr. J. John Kattakayam (*Kottayam*): തെങ്ങു രോഗങ്ങളെ സംബന്ധിച്ചു പര്യവേഷണം നടത്താനായിട്ടാണു് ഈ ഡിമാൻഡ് ഇവിടെകൊണ്ടു വന്നിട്ടുള്ളതു് എന്നു എനിക്കറിയാം. ഞാൻ അതിനെക്കുറിച്ചു തന്നെയാണു സംസാരിക്കാൻ തുടങ്ങുന്നതു്. കൃഷി ഡിപ്പാർട്ടുമെൻറുകൊണ്ടു ജനങ്ങൾക്കുണ്ടായിട്ടുള്ള അനുഭവങ്ങൾ നോക്കുമ്പോൾ ഇതിലേക്കു് ഇത്രത്തോളം പണം ചെലവു ചെയ്യുന്നതു് ദുരുപയോഗമാകുന്നു.

Mr. M. N. Narayana Menon: അതു കൊണ്ടു് ഈ തുക അനുവദിച്ചു കൊടുക്കേണ്ട എന്നാണോ മെമ്പർ പറയാൻ പോകുന്നതു്?

Mr. J. John Kattakayam : തുക അനുവദിച്ചു കൊടുക്കുക തന്നെ വേണം, എന്നാൽ അതിനോടു കൂടിത്തന്നെ ഈ ഡിപ്പാർട്ടുമെൻറിലെ ഭരണവൈകല്യങ്ങളെക്കുറിച്ചു് ചൂണ്ടിക്കാണിക്കേണ്ടതു് ജനപ്രതിനിധികളുടെ കടമയാണെന്നുകൂടി ഞാൻ വിചാരിക്കുന്നു. എൻെറ സ്വന്തം അഭിപ്രായം പറയുകയാണെങ്കിൽ ഈ ഡിമാൻഡ് അനുവദിച്ചു കൊടുക്കേണ്ടതല്ല. മററുള്ളവരെല്ലാവരും ഇതു് അനുവദിച്ചുകൊടുക്കാൻ കൈ പൊക്കുമെന്നുള്ളതുകൊണ്ടു് ഞാനും ഇതിനെ അനുകൂലിക്കുന്നു എന്നേയുള്ളു.

ഈ നാട്ടിലെ കൃഷി അനുദിനം അധഃപതിച്ചു വരുന്നു. ഡിപ്പാർട്ടുമെൻറിലേക്കു് ധാരാളം ധനവ്യയം ചെയ്യുന്നുണ്ടു്. കൃഷി ഡിപ്പാർട്ടുമെൻറുകാർ നടത്തുന്ന മാതൃകാ തോട്ടങ്ങൾ കണ്ടിട്ടുള്ള കൃഷിയിൽ താൽപ്പര്യമുള്ള ആരും നെഞ്ചത്തു കൈ വച്ചുപോകും.

President : Order, order. I was perfectly willing to give very great latitude to the honourable member in the belief that he

[President.]

will come to the root diseases of the cocoanut palm. But he is not anywhere near the root of the cocoanut palm and general remarks are really out of order.

Mr. J. John Kattakayam: തെങ്ങുരോഗത്തിനു ഒരു പ്രതിവിധി പല വിദഗ്ദ്ധന്മാരും ശ്രമിച്ചിട്ടും കണ്ടുപിടിക്കുവാൻ ഏതാവൽപര്യന്തം കഴിഞ്ഞിട്ടില്ല. ഈ ആവശ്യത്തിലേക്കു പലപ്പോഴായി ധാരാളം ധനവ്യയം ചെയ്തിട്ടും ഉണ്ട്. പുതിയ പര്യവേക്ഷണവും അതിനു അനുവദിച്ചു കൊടുക്കുന്ന തുകയും മുൻപേ പോലെയായിത്തീരാനാണ് എളുപ്പമുള്ളത്. ഇത്രയും പറഞ്ഞുകൊണ്ട് ഞാൻ എന്റെ വാക്കുകളെ അവസാനിപ്പിച്ചുകൊള്ളുന്നു.

President: It has been moved that a sum of Rs. 3,500 be granted for expenditure to be incurred in connection with the research scheme on the root diseases of the cocoanut palm in South India financed by the Imperial Council of Agricultural Research, New Delhi.

The motion was put to vote and carried.

The grant was made.

PUBLIC WORKS DEPARTMENT.

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: Sir, I move for a grant of Rs. 56,860 under Public Works Department. This demand consists of two items. The first is for Rs. 4,980. This amount is required for the acquisition of lands for the construction of customs house, godowns, and wharves in connection with the opening of a port at Neendakarai.

Sir, Government have an idea of declaring Neendakarai as a port. This question came up in connection with the construction of the Pallivasal Hydro Electric Project. The Electrical Engineer suggested to Government that if facilities could be provided at Neendakarai the heavy machinery required for the scheme could be landed at Neendakarai and then transported by water to Mudickal and from there to Pallivasal. Before anything could be done in that direction, the anchorage at Neendakarai had to be surveyed and Government requested the Government of India to have Neendakarai anchorage surveyed by their Marine Department. That was done and their report was favourable and after the receipt of their report Government thought it advisable to proceed with the construction of the customs house, godowns, and wharves in order to enable heavy machinery being landed for both the Pallivasal Hydro-electric Scheme and for the Ceramic factory which would be established shortly.

Mr. E. P. Varghese: Does it not require a pier?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: No, Sir.

The proposal is that these machinery will be transhipped from the steamers into barges and taken through Neendakarai bar to the lake. If there are some small wharves, the machinery can be landed without much difficulty and then transported in vallams to Mudikal. This matter was delayed so long because of the time taken for the survey and the receipt of the report of the survey. Otherwise provision would have been made in the budget for the current year.

The amount now asked for is only for the acquisition of land for the construction of godowns, customs house and wharves. The question may be asked what is going to happen after that? We may have to spend probably some Rs. 10,000 more for the construction of these and there is no provision for that purpose. But when the land is acquired and handed to the P. W. D., the necessary funds for the construction of buildings will be met out of the savings of their budget. If it is not possible to do so the amount will have to be provided in the budget for the next year. Government would do their best to see that the works are carried out before the end of the current year out of the savings.

Mr. K.P. Nilakanta Pillai: Have not all the heavy machinery been already brought?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: No, Sir, there are some more to come.

Mr. K. P. Nilakanta Pillai: May I know from the member whether the port is to be a temporary measure or a permanent one?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: It will be declared a port. The member may know that there is a port north of Neendakarai called the Kozhithottam port. From there mineral sands are exported. The two can be combined into one port and the combined port can be used for the import of machinery and other goods and also for the export of mineral sands.

Mr. Komilezhathu Sankaran (*Nominated*): May I know from the member whether the opening of this port will divert any part of the trade carried on through the Quilon port?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: It is possible. If Neendakarai is declared a port, heavy machinery can be taken to Kundara saving unnecessary expenditure on transport which would be necessary if it was imported through Cochin. Moreover for the machinery imported at Cochin we have to pay import duties. There is also the possibility that mineral sands and other articles can be exported through Neendakarai. As regards the pooling of import duties under the Cochin Harbour

[Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai.]

agreement what applies to Neendakarai applies to Quilon also, and it need not therefore stand in the way of declaring Neendakarai a port.

The second item of the demand is the amount required for the completion of the buildings and other works at the leper colony at Noornad. Honourable members are aware of the history of this leper colony. Government have already spent about Rs. 2 lakhs till the end of the last year. And it is now estimated that almost Rs. 97,000 more is required for the completion of all the works. There is a provision of about Rs. 25,000 in the current year's budget and the allotment asked for is Rs. 51,080. This amount is not sufficient to meet the whole expenditure. But the balance required will be provided in the budget for 1113 when alone the final bills will have to be paid up. Here again, the question may be asked why was this expenditure not foreseen? Originally Government's idea was to postpone the construction of some buildings and the installation of water-supply and electricity. But it is found that there is immediate necessity for having the water-supply installation because of the great scarcity of water in the locality. If water-supply installation is provided the engine installed for the same can be utilised for generating electricity also. Government think that it is better to execute all these works now than to postpone some of them indefinitely.

Mr. M. N. Paramesvaran Pillai: May I know whether it is advisable to spend large sums on costly buildings?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: Some temporary sheds have been put up, but they will not last long and every year heavy expeniture has to be incurred in maintaining them. It will be cheaper in the long run to construct permanent buildings than temporary sheds.

Mr. M. N. Paramesvaran Pillai: May I know the total accommodation provided for in the leper colony?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: I believe accommodation is provided for 500 patients.

Mr. M. N. Paramesvaran Pillai: May I know the number of the present inmates?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: The Darbar Physician will be able to furnish that information.

Mr. James Simpson (*Darbar Physician*): It is well to realise that the lepers are now in temporary sheds which were erected in Chingam 1110. These buildings are now in a state of very bad repair. The permanent buildings require certain works to be carried out before the lepers can be transferred there. Accommodation has been made for five hundred

lepers in the permanent buildings and we must, prior to allowing lepers into the permanent buildings, arrange for wiring the infected area and give in water pipes to the various walls. This grant which is now asked for does not include the Power House, nor does it include the actual installation of the supply of water. If this grant is made we shall be able to house the lepers within the space of a few months.

Mr. M. N. Paramesvaran Pillai: May I know whether any steps are being taken by the Medical Department or the P. W. D. to get together the infected persons?

Mr. James Simpson: It is for that purpose that we have opened the hospital at Noornad.

Mr. M. N. Paramesvaran Pillai: What I meant was whether any steps are being taken by Government to segregate the lepers.

Mr. James Simpson: I am afraid, Sir, that in the absence of any legislation the department cannot do that.

Mr. Komilezhathu Sankaran: May I know whether Government have tried Ayurvedic treatment for the disease?

Mr. James Simpson: Sir, we have not done so.

Mr. Komilezhathu Sankaran: May I know whether any application has been received from any expert Ayurvedic physician for the treatment of the disease?

Mr. James Simpson: I have no information of such application.

Mr. K. P. Nilakanta Pillai: Sir, I beg to oppose the first part of the demand for declaring Nindakarai a port.

Mr. M. N. Paramesvaran Pillai: Sir, I rise to a point of order. Is it open to members of this House to oppose part of a demand? Under the rules a demand must be voted as a whole.

Mr. K. P. Nilakanta Pillai: May I remind you, Sir, that that there have been precedents when a demand was split up into parts and put to the vote of the House.

President: Order, order. The Section is clear. If the honourable member wants to oppose he may oppose the whole demand.

Mr. K. P. Nilakanta Pillai: Sir, these two demands are quite different demands which cannot in any way......

President: Order, order. The Section is clear though its interpretation is ambiguous. It is open to the member to assent to or oppose the whole demand.

Mr. K. P. Nilakanta Pillai: I oppose the whole demand. My submission is that the present proposal to declare Neendakara,

[Mr. K. P. Nilakanta Pillai.]

a port is not at all necessary. Time and again, we have been complaining in this House that there are many ports south of Quilon which require immediate attention, but Government have hitherto done nothing towards developing those ports. Two reasons have been advanced for declaring Neendakarai a port. One is the necessity for transporting heavy machinery for the Hydro-electric Project at Pallivasal and the Ceramic Factory at Kundara. If I understand things correctly, I believe almost all the heavy machinery for se at Pallivasal has already been transported.

President : He has already stated that it is not so.

Mr. K. P. Nilakanta Pillai: So far as the Ceramic Factory is concerned, this port may not be of much use in transporting materials and machinery. I do not think the cost will in any way be comparatively reduced by the Quilon or the Trivandrum port being used.

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : Does the honourable member know where Kundara is? It is there that the Ceramic Factory is proposed to be located.

Mr. K. P. Nilakanta Pillai : Kundara is near Quilon ; I know that.

Further, Sir, even if there is any necessity for developing this port, I do not think this is the opportune moment to incur expenditure on account of the development of this port. Under the Cochin Harbour agreement, the income we may derive from this Neendakara port has to be pooled for division with the Madras and Cochin Governments also.

President : Is it the honourable member's idea that Cochin should get the import duty?

Mr. K. P. Nilakanta Pillai : No, Sir. My point is that, if the Neendakara port is developed, part of the trade in Quilon and even some of the trade to the south of Quilon is likely to be diverted into the Neendakara port ; and, as I said, while the income from ports south of Quilon will be exclusively ours, the income from Neendakara will be divisible among Cochin and the British Governments also.

Mr. M. N. Paramesvaran Pillai : May I point out to the member that, since Neendarakara is situated north of Quilon, there is no chance of the trade south of Quilon being diverted into Neendakara?

Mr. K. P. Nilakanta Pillai : My friend may well console himself that he possesses better knowledge of these matters than I. All that I am submitting is that there is a likelihood of part of

the trade even south of Quilon being diverted into Neendakara and our losing, as a consequence, a portion of the money which, now is exclusively ours.

Mr. S. Piraviperumal Pillai What will be the effect of the Federation on this question

Mr. K. P. Nilakanta Pillai: That is a big question.

President: I did not know that honourable members were anxious or willing to make generous presents of our duties to the Federation of India. I thought the position was just the other way.

Mr. K. P. Nilakanta Pillai: Our position after the Federation is a very big question which may involve the entire revision of the present arrangement regarding the customs reveuue. We are certainly against our customs revenue being given away to the Federal Government. But, so far as I can see, we have to give away something.

President: Why?

Mr. K. P. Nilakanta Pillai: Because, customs revenue is an item of Federal Revenue.

President: Why?

Mr. K. P. Nilakanta Pillai: I would have been competent to answer such questions if I had been in possession of all the details of the negotiations.

President: Honourable members will remember that such statements which are likely to be reported are extremely likely to embarrass the Government. Certain suggestions have been made which are of a character tremendously embarrassing to the Government of Travancore. The suggestion that our customs revenues are liable to be divisible with the Federation is a matter which I have never heard of till now. Such suggestions made on the floor of this House are not at all going to help the Government.

Mr. K. P. Nilakanta Pillai: I had nothing to do with that suggestion, Sir.

President: Well then, why make it?

Mr. K. P. Nilakanta Pillai: It was made by another member.

President: Then that other member should not have done it.

Mr. K. P. Nilakanta Pillai: My main point is that there is no necessity to develop the Neendakara port immediately, We know, as a matter of fact, that the estimates presented to us are not reliable. Ultimately, the actual cost of the works will turn out to be much more than the estimated expenditure. That has been our past experience here.

President : As everywhere else.

Mr. K. P. Nilakanta Pillai : I am glad the Chief Secretary was candid enough to say that the demand now made did not represent the whole amount that may be needed for the development of the port and that the Government proposed to spend more on it. The second item of the demand, namely the Leper Asylum at Noornad, is itself an instance in point. We started it with a comparatively small amount, and now we know how much we have had to spend on it.

Mr. Komilezhathu Sankaran : Will the member be satisfied if the Noornad Leper Colony is transferred from there to south of Quilon?

Mr. K. P. Nilakanta Pillai : I have absolutely nothing to do with that.

Sir, my point is that these items of expenditure may very well lie over for the present. There is no immediate necessity. I therefore oppose the demand.

Mr. J. John Kattakayam : സർ, ഞാൻ ഈ ഡിമാൻഡിനെ അനുകൂലിക്കുന്നു. പ്രകൃതിദത്തമായ സൌന്ദര്യംകൊണ്ട് പ്രശോഭിക്കുന്ന നീണ്ടകരയിൽ ഒരു തുറമുഖം ഉണ്ടാകേണ്ടതു ഏററവും ആവശ്യമായ ഒരു സംഗതിയാണ്. എന്നാൽ കൊല്ലത്തിനു വടക്കോട്ടുള്ള തുറമുഖങ്ങളിലെ ആദായം കൊച്ചിയുമായിട്ട് ഫെടിപ്പിക്കയില്ലേ എന്നു ഒരു സംശയം എനിക്കുണ്ട്. ഏതായാലും നീണ്ടകര ഒരു തുറമുഖം കൂടിയേ തീരു. ചീഫ്സെക്രട്ടറി പറഞ്ഞതുപോലെ കണ്ടറ, കളിമണ്ണ് വ്യവസായശാലകളും പള്ളിവാസൽ വൈദ്യുതപദ്ധതിശാലകളും ആവശ്യമുള്ള യന്ത്രസാമഗ്രികൾ ഇറക്കുക, ഇൽമിനൈററ് തുടങ്ങിയുള്ള നമ്മുടെ ഉൽപന്നസാധനങ്ങൾ കയററി അയക്കുക മുതലായവയ്ക്കു നീണ്ടകരയെപ്പോലെ സൗകര്യമായ ഒരു പ്രദേശം തിരുവിതാംകൂറിൽ വേറെയില്ല. കൊച്ചി തുറമുഖത്തു് ധാരാളം സാമാനങ്ങൾ ഇപ്പോൾ ഇറക്കുകയും കയററുകയും ചെയ്യുന്നുണ്ടെങ്കിലും ഇവിടെ ഒരു തുറമുഖം തുറന്നാൽ അതും അഭിവൃദ്ധിപ്പെട്ടുവരാതിരിക്കാനിടയില്ല. എന്നുമാത്രമല്ല നീണ്ടകരയുടെ സമീപപ്രദേശങ്ങളെല്ലാം ഐശ്വര്യഭൂയിഷ്ഠമായിത്തീരുകയും ചെയ്യും. ഇതു് തിരുവിതാംകൂറിനുതന്നെ ശ്രേയസ്സാണ്. ഈ ക്ഷാമകാലത്തു് ഇതിലേക്കു ഇത്ര ധനവ്യയംചെയ്യുന്നതു് ശരിയാണോ എന്നു തോന്നാം. പൊതുജനനന്മയെ ഉദ്ദേശിച്ചു് എത്രതന്നെ ധനവ്യയം ചെയ്താലും യഥാർത്ഥ ജനപ്രതിനിധികൾ അതിനെ അപലപിക്കുമെന്നു ഞാൻ വിചാരിക്കുന്നില്ല. നീണ്ടകര തുറമുഖം തുറക്കുന്നതിനെസംബന്ധിച്ചുള്ള വിദഗ്ദ്ധ

ഭിപ്രായം ഗവണ്മെന്റു ക്ഷണിച്ചിരുന്നു എന്നുള്ള വിവരം നേരത്തെ അറിയിച്ചിരുന്നാൽ യാതൊരുവിധമായ വിമർശനത്തിനും ഇടവരുകയില്ലായിരുന്നു. ഇതിലെ ധനവ്യയത്തിന് ശരിയായ ഒരു മാൎഗ്ഗംകൂടി ഗവണ്മെന്റ് കാണിച്ചുതന്നാൽ അതു് കുറേക്കൂടി ആശ്വാസപ്രദമായിരിക്കും.

ഒരു തുറമുഖം ഉണ്ടെങ്കിൽ അവിടെ ഒരു കസ്റ്റംസ് ഹൌസ്സും ആവശ്യമാണ്. എന്നാൽ അതിലേക്കു ഇത്രവളരെ ധനം വ്യയംചെയ്യണോ എന്നു ഞാൻ സംശയിക്കുന്നു. തുറമുഖം തുറന്നശേഷം കസ്റ്റംസ് ഹൌസ്സ് ഏർപ്പെടുത്തുന്നപക്ഷം ഇത്ര വലിയ ചെലവുകൂടാതെ കഴിക്കാമെന്നാണ് എന്റെ അഭിപ്രായം.

Mr. Komilezhathu Sankaran: പള്ളിവാസലിലേക്കു ആവശ്യമുള്ള യന്ത്രസാമഗ്രികൾ ഇറക്കികഴിഞ്ഞതിനുശേഷം ഈ തുറമുഖം നിറുത്തിക്കളയാം എന്നു മെമ്പർക്കഭിപ്രായമുണ്ടോ?

Mr. J. John Kattakayam: ഞാൻ അങ്ങിനെ പറഞ്ഞില്ല. ചീഫ്സെക്രട്ടറി പറഞ്ഞതുപോലെ നമുക്കു ധാരാളം സാമാനങ്ങൾ കയററാനും ഇറക്കാനുമുള്ളതുകൊണ്ടു് ഇവിടെ ഒരു തുറമുഖം അത്യാവശ്യമാണ്. അതുകൊണ്ടു് അതിനെ നിറുത്തിക്കളയണമെന്നെനിക്കഭിപ്രായമില്ല. ഈ തുറമുഖം തിരുവിതാംകൂറിലേക്കു ഐശ്വര്യത്തെ പ്രദാനം ചെയ്യുന്നതിനു പര്യാപ്തമായ ഒന്നാണെന്നുള്ളതുകൊണ്ടു ഇതിലേക്കു ചെലവുചെയ്യുന്ന പണം ഒട്ടുംതന്നെ വ്യർത്ഥമല്ല എന്നുള്ള അഭിപ്രായത്തോടുകൂടി വിരമിച്ചുകൊള്ളുന്നു.

Mr. S. Piraviperumal Pillai: As one representing a Commerce Constituency, I am unable to agree with my friend Mr. K. P. Nilakanta Pillai. So far as I have been able to follow him, his reason for opposing the demand is that since the Government have not been doing anything for the improvement of our ports, we should not allow the proposed expenditure for the development of the Neendakara port.

Mr. K. P. Nilakanta Pillai: I was referring to the ports south of Quilon.

Mr. S. Piraviperumal Pillai: Yes, if I remember right, I heard him say that the Government had not spent any money for the development of the ports in Travancore, and therefore the amount now asked for should not be granted. I fail to follow him.

Sir, much inconvenience is now felt by the commercial population in the country on account of the want of proper shipping facilities. Therefore, any attempt to improve such facilities is not only welcome but is absolutely essential.

[Mr. S. Piraviperumal Pillai.]

Sir, Mr. Nilakanta Pillai said that instead of opening a port at Neendakara, the ports south of Quilon might be developed. But, there is the other question of the Ceramic Factory at Kundara. Neendakara is certainly nearer to Kundara than Trivandrum or any other port south of Quilon. Transport of machinery from Trivandrum to Kundara will certainly be much more costly than transport from Neendakara to Kundara. It is therefore very necessary that a port should be opened at Neendakara. I would like to take this occasion to request the Government to come in for more of such grants, for the development of the other ports in the country, which, I hope, my friend Mr. K. P. Nilakanta Pillai also will support.

Mr. A. N. Visvanatha Pillai (*Quilon cum Karunagapalli*): സർ, കൊല്ലം—കരുനാഗപ്പള്ളി താലൂക്കുകളുടെ പ്രതിനിധി എന്നനിലയിൽ ഇതിനെസംബന്ധിച്ചു് രണ്ടുവാക്കു് സംസാരിച്ചില്ലെങ്കിൽ അതു് എന്റെ കൃത്യവിലോപമായിവന്നേക്കാം. നീണ്ടകരയ്ക്കു സ്വാഭാവികമായിട്ടുതന്നെ പല വിശേഷങ്ങളും ഉണ്ടു്; കടലിന്റെ ആഴം, കായലിന്റെകിടപ്പു്, റയിൽവേസ്റ്റേഷൻ, എയറോഡ്രോം, ഗവണ്മെന്റു് ഹൌസ്, കൊട്ടാരം, കമ്പോളം മുതലായവയുടെ സാമീപ്യം ഇവകൊണ്ടു് നീണ്ടകരപോലെ ഏററുമതിക്കും ഇറക്കുമതിക്കും പററിയതായ ഒരു തുറമുഖം തിരുവിതാംകൂറിൽ വേറെ ഇല്ലെന്നു തീർത്തുപറയാവുന്നതാണ്. കപ്പലുകൾക്കു് കായൽവഴി യഥേഷ്ടം റയിൽവേസ്റ്റേഷൻവരെ സഞ്ചരിക്കുന്നതിനു പര്യാപ്തമായ ആഴമുള്ള ചാലുകൾ ഈ കായലിലുണ്ടു്. ഇതിൽക്കൂടി ധാരാളം കപ്പലുകൾ ഗതാഗതംചെയ്തുകൊണ്ടിരുന്നുവെന്നു് പ്രസിദ്ധമാണ്. നീണ്ടകര തുറമുഖത്തിറക്കുന്ന സാധനങ്ങൾ വള്ളംവഴി കുണ്ടറയ്ക്കുപോകുന്നതു ഏററവും സൌകര്യപ്രദമാണു. കൊച്ചി തുറമുഖപ്പണിയിൽ തിരുവിതാംകൂർ ഗവണ്മെന്റു ചേരുന്നതിനു ആലോചിച്ചുകൊണ്ടിരിക്കുമ്പോൾ തിരുവിതാംകൂറിലെജനങ്ങളും പത്രങ്ങളും അതിനെ ശക്തിയായി പ്രതിഷേധിക്കുകയും പ്രകൃതിദത്തമായിത്തന്നെ ഒരു തുറമുഖത്തിനു വേണ്ട ലക്ഷണംതികഞ്ഞ നീണ്ടകരയിൽ തിരുവിതാംകൂറിനു പ്രത്യേകമായി ഒരു തുറമുഖം സ്ഥാപിക്കണമെന്നഭിപ്രായപ്പെടുകയും ചെയ്തിട്ടുണ്ടു്. എന്റെ ഓർമ്മ ശരിയാണെങ്കിൽ, അന്നത്തെ നിയമസഭയിൽതന്നെയും അതിനെ സംബന്ധിച്ചുണ്ടായ വാദപ്രതിവാദത്തിൽ ഇക്കാര്യം വ്യക്തമാക്കിയിട്ടുണ്ടു്. ഇപ്പോൾ തുറക്കണമെന്നു വിചാരിക്കുന്ന തുറമുഖത്തിന്റെ ചുററുപാടും തിരുവിതാംകൂറിലെ കയർവ്യവസായത്തിന്റെ കേന്ദ്രമാണ്.

മോണസൈററ്, ഇൽമിനൈററ് മുതലായതരം മണൽപ്പുകൾ കയററിഅയക്കുന്ന അനേകം കമ്പനികൾ ഇതിനുവടക്കുവശം സ്ഥിതിചെയ്യുന്നു. അതിനാൽ ഇവിടെ ഒരു തുറമുഖം തുറക്കുന്നതായാൽ പാശ്ചാത്യരാജ്യങ്ങളിലേക്കും അമേരിക്കക്കും ഇതെല്ലാം അവിടെനിന്നുതന്നെ കയററിഅയക്കുന്നതിനു സാധിക്കുന്നതും പല ഇറക്കുമതിസാധനങ്ങൾ അവിടെ ഇറക്കുന്നതിനു കഴിയുന്നതുമാണ്. ഇപ്രകാരമുള്ള ഒരു സ്ഥലം തുറമുഖമാക്കുന്നതിൽ, എന്താണ് വിപരീതാഭിപ്രായമെന്നു മനസ്സിലാക്കുവാൻ എനിക്കു കഴിയുന്നില്ല.

എന്നാൽ ഈ അവസരത്തിൽ എനിക്കു ഗവണ്മെൻറിനെ ഒരു സംഗതി ഓർമ്മിപ്പിക്കുവാനുണ്ട്. അതു്, നീണ്ടകര ഒരു പോർട്ട് തുറക്കുന്നതുകൊണ്ട്, കൊല്ലം പോർട്ടിനെ വിസ്മരിച്ചുകളയരുതെന്നാണ്. അവിടെ ഒരു കടൽപ്പാലം പണിയിക്കണമെന്നു ഞാൻതന്നെ പലപ്പോഴും ഗവണ്മെൻറിൻെറ ദൃഷ്ടിയിൽ കൊണ്ടുവന്നിട്ടുണ്ട്. ആ സംഗതിയിൽ കൂടി ഗവണ്മെൻറിൻെറ ശ്രദ്ധ പതിയണമെന്നു അപേക്ഷിച്ചുകൊണ്ട് ഞാൻ ഈ ഡിമാൻറിനെ ശക്തിയായി അനുകൂലിക്കുന്നു.

Mr. Sayed M. Bava (*Nominated*): സർ, ഞാൻ ഈ ഡിമാൻഡിനെ അനുകൂലിക്കുന്നു. നീണ്ടകര ഒരു തുറമുഖമാക്കി പ്രഖ്യാപനം ചെയ്യണമെന്നുള്ള ഗവണ്മെൻറിൻെറ ആലോചനയെ ഞാൻ അഭിനന്ദിക്കുന്നു. നീണ്ടകര ഒരു തുറമുഖം ആയിരിക്കാൻ വേണ്ട സൌകര്യങ്ങൾ അവിടെയുണ്ടായിരുന്നിട്ടും, അതിനുവേണ്ടി ജനങ്ങൾ അപേക്ഷിച്ചിട്ടും ഇപ്പോൾ മാത്രമാണ് ആ സംഗതിയിൽ ഗവണ്മെൻറിൻെറ ശ്രദ്ധ പതിയാനിടയായതു്. തുറമുഖമാക്കുന്നതിനു ഇത്രയും സൗകര്യമായ ഒരു പ്രദേശം തിരുവിതാംകൂറിലെന്നുമാത്രമല്ല പശ്ചിമതീരത്തു് സുലഭമല്ല. എൻെറ മാന്യസ്നേഹിതനായ ഒരു ബഹുമാനപ്പെട്ട മെമ്പർ ഇതിനെപ്പററി ഒരു പരാതിപറഞ്ഞതു് കൊല്ലത്തിനു തെക്കുള്ള തുറമുഖങ്ങളെ സംബന്ധിച്ചിടത്തോളം ഗവണ്മെൻറു വേണ്ടവണ്ണം ശ്രദ്ധിക്കാത്തതുകൊണ്ട് ഇങ്ങനെ ഒരു തുറമുഖം തുറക്കേണ്ടയാവശ്യമില്ലെന്നാണ്. അതു വളരെ ദയനീയമായ ഒരു പരാതി ആയിപ്പോയി.

Mr. K. P. Nilakanta Pillai: മെമ്പർ ഇംഗ്ലീഷിൽ പ്രസംഗിച്ചതു മനസ്സിലാക്കിയോ?

Mr. Sayed M. Bava: മനസ്സിലാക്കി.

Mr. K. P. Nilakanta Pillai: കൊല്ലത്തുനിന്നു നീണ്ടകരക്കു എന്തു ദൂരമുണ്ടെന്നു മെമ്പർക്കറിയാമോ?

Mr. Sayed M. Bava: കൊല്ലം ടൗണിൽനിന്നു നാല് മൈൽ ദൂരമുണ്ട്.

M. J. John Kattakayam: മെമ്പർ ആ താലൂക്ക് നിവാസിയല്ലേ?

Mr. Sayed M. Bava: അതെ.

Mr. J. John Kattakayam: മി. കെ. പി. നീലകണ്ഠപ്പിള്ളയെക്കാൾ മെമ്പർക്കു കൂടുതലായി ഇതിനെപ്പററി അറിയാൻ പാടില്ലേ?

President: I think those geographical details need not be pursued very long.

Mr. Sayed M. Bava: അഷ്ടമുടിക്കായൽ നീണ്ടകരയോടു തൊട്ടുകിടക്കുന്ന ഏററവും ഉപയോഗപ്രദമായ ഒരു കായലാകുന്നു. എട്ടു ശാഖകളും എട്ടുദിക്കുകളെ അഭിമുഖീകരിച്ച് ഗതാഗതസൗകര്യത്തിനു പ്രയോജനമായിരിക്കുന്നതുകൊണ്ടാണ് ഇതിനു അഷ്ടമുടി എന്നു പേരു തന്നെ ഉണ്ടായതു്. മററു രാജ്യങ്ങൾക്കില്ലാത്ത പ്രകൃതിദത്തമായ ഒരു അനുഗ്രഹമാണിതു്. ഇവിടെയും ഒരു തുറമുഖം തുറക്കുന്നപക്ഷം നിശ്ചയമായും നാട്ടിന്റെ ഐശ്വര്യം അഭിവൃദ്ധിപ്പെടാതിരിക്കാൻ തരമില്ല. നമ്മുടെ ഗവൺമെന്റ് വ്യവസായസംബന്ധമായ പല പരിഷ്കാരങ്ങളും നടപ്പിൽ വരുത്താൻപോകുന്ന ഈ സന്ദർഭത്തിൽ നീണ്ടകരയെ ഒരു തുറമുഖമാക്കുക എന്നുള്ള സംഗതി ഏററവും അത്യാവശ്യമാണ്.

Mr. Komilezhathu Sankaran: Sir, I support the demand. If I remember correct my friend Mr. K. P. Nilakanta Pillai at the outset had no idea to oppose the demand. Of course he wanted to say something against the Noornad Leper Asylum. While he was attempting to do so a point of order was raised hat he will not be in order to oppose only one part of the demand.

Mr. James Simpson: May I inform the member that he opposed only the first part of the demand ?

Mr. Komilezhathu Sankaran: I am very sorry that the Durbar Physician.....

President: We need not go very much into psychology, Mr. Sankaran.

Mr. Komilezhathu Sankaran: While Mr. K. P. Nilakanta Pillai was attempting to explain his position he was diverted from his arguments and forced to say something which he himself didnot wish to say. So any arguments made by Mr. Nilankanta Pillai against

the voting of the demand are not very serious. As to the necessity of the Neendakara port, I think no honourable member would come forward and say that it need not be allowed. I think the importance of the demand is so very clear and I think it is very necessary.

President : The motion is for a grant of Rs. 56,860 for :

(i) acquisition of lands for the construction of customs house, godowns and wharves in connection with the opening of a port at Neendakara—Rs. 4 980.

(ii) the completion of the construction of permanent buildings for the Leper Colony at Noornad—Rs. 51,880.

The motion was put to vote and carried.

The grant was made.

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : Sir, I move for a grant of Rs. 11,998. This is for the maintenance and working of the Grab Dredger at the Alleppey Port for the current year.

Mr. M. N. Paramesvaran Pillai : May I know whether the other demand will be moved or not ?

President : I changed the order for a reason which will be evident very shortly.

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : I do not think I need explain the object of this demand in any detail. Honourable members are aware that there was considerable difficulty in shipping at Alleppy on account of the accretion of sand. At one time it was feared that the trade would be seriously affected. The question was discussed, I believe, in this House and also elsewhere. The necessity of having a dredger to dredge the port at Alleppey was brought home to Government and they accordingly sanctioned the purchase of a dredger. An amount of one lakh and odd rupees was provided in the budget for 1111. When the dredger came it had to be assembled and tested before Government could decide as to the staff and the amount required for its maintenance

Mr. M. N. Paramesvaran Pillai : May I know whether any amount has been spent for the dredger after the last Budget Session ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : Yes, Sir.

Mr. M. N. Paramesvaran Pillai : May I know the amount ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: The original estimated cost of the dredger was Rs. 92,000 and the arrangement was that two-thirds of it should be paid on shipping the dredger and the remaining one-third after the dredger arrived,

[Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai.]

was assembled and tested. Out of the Rs. 92,000, Rs. 62,257 was paid in 1111. There was a provision of over a lakh of rupees in the budget for 1111. Out of that only Rs. 67,000 was paid before the close of the year because the dredger that had arrived by that time was not assembled and tested. The balance of Rs. 33,000 was paid during the current year. The Company demanded immediate payment. There was not the possibility of a meeting of this House at the time. If payment was not made immediately interest would have had to be paid and there would have been other complications also. Government had therefore to sanction a sum of Rs. 33,000 under Section 32 of the Legislative Reforms Regulation and this amount was paid in 1112.

Mr. M. N. Paramesvaran Pillai: May I know when the dredger arrived?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: Some time last year, but it could not be assembled and tested before the end of the year.

Mr. M. N. Paramesvaran Pillai: May I know whether Government had to spend anything in 1112 for the maintenance of the dredger?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: No. Before the dredger was assembled and tested, Government could not decide as to the staff to be engaged. It was only after the receipt of the Chief Engineer's reccommendations that the Government could sanction the staff and the amount required for maintenance. That is why no amount was spent on maintenance in 1111 or till now this year. Now all that has been done and the dredger is ready for work. If it has got to be worked, we want staff and money for the purpose.

Mr. M. N. Paramesvaran Pillai: May I know the amount required for staff and that for maintenance?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai The staff consists of:—

One Master on Rs. 70.
One Driver on Rs. 60.
Another Driver on Rs. 30.
One Oilman on Rs. 15.
One Engine Driver on Rs. 30.
One Engine Oilman on Rs. 15.
Four Lascars on Rs. 15 each.

The total comes to Rs. 280 a month.

Mr. M. N. Paramesvaran Pillai: May I know the date on which the Government felt the necessity of this staff?

Rao Bahadur Rajyasevanirata Dr. N Kunjan Pillai : Government first received recommendations from the Chief Engineer and the Port Officer was consulted. All this took place during the early part of this year. The expenditure for 8 months this year will come to Rs. 2,240. Besides this, provision has also to be made for the maintenance and working of the dredger. The total amount required under maintenance is Rs. 8,162 and under working charges Rs. 1,620. The total of all these items together amounts to Rs. 11,998. It is for these purposes that I have moved for this grant and I hope the House will agree to it.

President : The demand is for a grant of Rs. 11,998 for the maintenance and working of the Grab Dredger for the Alleppey Port for the year 1112 M. E.

The question before the House is that it assents to the demand

The demand was put and carried.

The grant was made.

GENERAL ADMINISTRATION.

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : The next demand that I wish to move is for a sum of Rs.5,164 under General Administration excluding Financial Secretariat Account Office and Legislative Bodies.

This grant is for the Public Service Commissioner. It consists of various items. A sum of Rs.2 100 is required under examination charges. There is a provision of Rs. 2000 in the budget of the current year for that purpose. But this amount has already been exceeded. The examination held this year consumed not only the whole grant but also a little more.

Mr. M. N. Paramesvaran Pillai : May I know the total amount that Government have received by way of fees from the applicants ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : The exact figures up to date are not available. But up to the end of 1111 a sum of about Rs. 18,500 was collected. Rs. 2,000 provided in the budget has already been spent in connection with the examinations conducted. It may be necessary to conduct some more examinations during the current year. The examination for the English knowing clerks may not be held again. But it may be necessary to conduct an examination for the Malayalam knowing clerks and also for typists and clerk-typists

Mr. M. N. Paramesvaran Pillai : May I know whether all the candidates have been provided with posts ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : About 1,800 candidates appeared for the examination, about 500 have been selected and of these about 200 have been provided with appointments so far. These are all English knowing clerks. But

[Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai.]

the examination to be conducted hereafter is for the appointment of Malayalam knowing clerks, typists and clerk-typists. There is also the possibility of a Civil Service Examination being held. The rules for the same have been passed and the question of instituting a Civil Service Code is under the consideration of Government. When final orders are passed it may be necessary —

Mr. M. N. Paramesvaran Pillai: May I know whether this amount includes expenses for that also?

Rao Bahadur Rajyasevanirata Dr. N Kunjan Pillai: Yes, it is for all the examinations.

An additional allotment of Rs 5,000 is required under purchase and repair of furniture. The House will presently see the necessity for additional staff and some additional furniture will be required if they are appointed. A sum of Rs. 800 is proposed to be sanctioned for this purpose. The furniture will be supplied by the Workshops, and so, that amount will be credited to the P. W Department.

When the staff expanded and the work increased it was found necessary to shift the office of the Public Service Commissioner to a more spacious building which consists of two parts. At present there is only a sweeper on Rs. 6 per mensem. A watcher on Rs. 9 and an additional sweeper on Rs. 4 are also required. A sum of Rs. 150 is provided for this purpose. An additional amount of Rs. 700 is included under Anchal charges. This need not be grudged because the amount will go to the Anchal Department. Under "Miscellaneous and Office" expenses a sum of Rs. 500 is provided and finally a sum of Rs. 1,314 is included for the entertainment of some additional staff. The necessity for additional staff arises out of this circumstance. The Commissioner asked for a large additional staff at the end of last year. He wanted it to be provided for in the current year's budget. Government did not sanction the whole staff asked for but only a portion of it. For the examination held this year a large number of applications were received and the office staff had to work in connection with this examination neglecting their normal work. The normal work consists of sorting the applications and registering them. I understand that about 18,000 applications were received for appointments in various grades, including the lower division for which no examination is held. The applications received have to be sorted and arranged showing the communities, acting service, etc., of the applicants. This normal work of the staff fell into arrears and the Commissioner reported that in order to bring the work up-to date it was necessary to appoint a few additional hands, for a period of three months Government agreed with him and provision has therefore been made for the additional

staff in the supplementary grant. The additional hands to be engaged are 12 clerks (one on Rs. 75, 2 on Rs. 40, 9 on Rs 25) one typist, one attender and two peons. For three months the amount required for this additional staff is Rs. 1,314. The total of all these items together comes to Rs. 5,164.

Mr. Komilezhathu Sankaran: May I know whether the Public Seavice Commissioner would strictly adhere to the principle of communal representation in the appointment of additional staff?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: The appointments the Public Service Commissioner made since the rules were issued were made strictly on the basis of those rules and this practice will be followed hereafter also.

Mr. Komilezahthu Sankaran: May I know the number of Ezhava clerks working in the office of the Public Service Commissioner?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: I can't say, Sir. It is nowhere said in the Public Service Recruitment Rules that in the intermediate division of service communal representation pure and simple will be adhered to. What is laid down is that in regard to 40 per cent. of the appointments in this division efficiency combined with preferment on account of backwardness will be the guiding principle.

Mr. Komilezhathu Sankaran: May I point out that only one Ezhava clerk has been appointed in the office of the Public Service Commissioner?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: Probably that is all the Commissioner can do under the rules.

Mr. Komilezhathu Sankaran: May I know whether it was due to a dearth of qualified hands among the Ezhava community?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: No. But rules have to be observed and under the rules more than one Ezhava did not get a chance.

Mr. Komilezhathu Sankaran: May I know whether the Government will give necessary direction to appoint at least one or two more Ezhavas?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: There are the rules and they will have to be followed. They have been followed and will, I can assure the honourable member, be followed.

Mr. M. N. Paramesvaran Pillai: Sir, I oppose this demand inasmuch as it includes an item for the appointment of additional staff. A sum of nearly Rs. 1,314 has been asked for under this demand for providing additional saff in the office of the

[Mr. M. N. Paramesvaran Pillai.]

Public Service Commissioner. Already there is a complaint that the office of the Public Service Commissioner is overmanned. In the current year's budget this House has sanctioned a large staff for the office of the Public Service Commissioner. The budget shows that over and above the high paid Commissioner who draws a salary of Rs. 1,000-50-1,200, besides deputation and house rent allowances, the office is manned with a Secretary on Rs. 250 with a deputation allowance of Rs. 50 per mensem and a Manager on Rs. 100-5/2-125, one clerk on Rs. 75-5/2-100, two clerks on Rs. 40-2-70, a Stenographer on Rs. 40-2-70, a Typist on Rs. 25-3/2-40, a Daffadar, a Mochee and a number of peons. In addition to these, there is also an additional temporary staff consisting of a clerk on Rs. 40-2-70, five clerks on Rs. 25-3/2-40, a Typist, an Attender and a couple of peons. Even this is more than sufficient for a big office which has to turn out double the work that the office of the Public Service Commissioner has ordinarily to turn out. Sir, I am not at all convinced as to the immediate necessity for the creation of this new staff. I am sure that the staff already sanctioned will be able to cope with what additional work the office has to do. I cannot understand the necessity for keeping a high paid Secretary and a Manager. It is not difficult for Government to effect some retrenchment at the top and thus make some saving so that two or three clerks may be appointed in the lower grade. Sir, the official member has assured us that the additional staff will only be temporary. If that is so, I fail to understand how a clerk on Rs. 75-5/2-100 can be appointed. I fear, that when once these appointments are made, they are likely to continue. I would therefore oppose this demand.

Mr. J. John Kattakayam: സർ, ഞാൻ ഈ ഡിമാൻഡിനെ എതിർക്കുന്നു. ആദ്യമായി ഇവിടെ സപ്ലിമെൻററി ഗ്രാൻറു കൊണ്ടുവരുന്നതിനെപ്പററി രണ്ടു വാക്കു പറയേണ്ടതായിട്ടുണ്ട്. ബഡ്ജററു പാസാക്കിക്കഴിഞ്ഞു മൂന്നു മാസമേ ആയുള്ളു. അതിനിടയ്ക്കു ഇങ്ങനെ ഒരു സപ്ലിമെൻററി ഗ്രാൻറ് കൊണ്ടുവരുന്നതിൻെറ ആവശ്യം മനസ്സിലാകുന്നില്ല. ബഡ്ജററു തയ്യാറാക്കുന്ന സമയത്തു ചുമതലപ്പെട്ടയാളുകൾ ഇതിൽ ബദ്ധശ്രദ്ധരായിരുന്നുവെങ്കിൽ ഇങ്ങനെയുള്ള ഇനങ്ങൾ അതിൽതന്നെ ചേർക്കാമായിരുന്നു. ഇങ്ങനെ സപ്ലിമെൻററിഗ്രാൻറ് കൊണ്ടുവന്നു ഈ സഭയുടെ വിലയേറിയ സമയത്തെ നഷ്ടപ്പെടുത്താൻ ഇടവരികയില്ലായിരുന്നു. മേലാലെങ്കിലും ഈ കാര്യത്തിൽ ശ്രദ്ധിക്കണമെന്നു വിശ്വസിക്കുന്നു.

സർ, ഈ ഡിമാൻറ് ഏതുതരത്തിലുള്ളതാണെന്ന് നമുക്കു ഒന്നു നോക്കാം. ഇപ്പോൾ വേണമെന്നാവശ്യപ്പെടുന്ന നിയമനങ്ങളെല്ലാം നടത്തിക്കഴിഞ്ഞുവെന്നാണു ഞാൻ അറിയുന്നത്. അല്ലെന്നു പറയുകയാണെങ്കിൽ ഞാൻ സമ്മതിക്കാം. ഇങ്ങനെ നിയമനം കഴിഞ്ഞശേഷം ഈ ഡിമാൻഡ് ഇവിടെ കൊണ്ടുവരേണ്ട ആവശ്യമെന്താണ്? ഈ കാരണം കൊണ്ടാണു ഞാൻ ഇതിനെ എതിർക്കുന്നത്. പബ്ളിക്ക് സർവീസ് നിയമനതത്വത്തെ എത്രത്തോളം പുരസ്കരിച്ചാണു ക്ലാർക്കന്മാരുടെ നിയമനം പോലും നടത്തിയിട്ടുള്ളതെന്നുള്ളത് അജ്ഞാതമായിരിക്കുന്നു. പബ്ളിക് സർവീസ കമ്മീഷണർ നടത്തിയ പരീക്ഷയുടെ ചോദ്യക്കടലാസ് കണ്ടാൽ അതിൽ ഒരു തത്വവും ഇല്ലെന്നുകാണാം. എനിക്കൊന്നും അറിയാൻ പാടില്ലാത്തതുകൊണ്ടായിരിക്കാം അങ്ങിനെ തോന്നിയത്. അറിവുള്ളയാളുകൾ ഇവിടെ ധാരാളമുണ്ടല്ലോ. ബഹുമാനപ്പെട്ട അദ്ധ്യക്ഷനിരിക്കുന്നു.

President: The Chair does not propose to examine the question paper.

Mr. J. John Kattakayam: എങ്കിലും അതിൻെറ മാതൃകയെങ്കിലും ഒന്നു നോക്കിയാൽ കൊള്ളാം.

Mr. Komilezhathu Sankaran: കഴിഞ്ഞ തവണ നടന്ന പരീക്ഷ ഇംഗ്ലീഷ് അറിയാവുന്നവരെ തെരഞ്ഞെടുക്കാനായിരുന്നുവെന്നും ഇപ്പോഴത്തെപരീക്ഷ മലയാളം അറിയാവുന്നവരെ തെരഞ്ഞെടുക്കാനാണെന്നും മെമ്പർക്കറിയാമോ?

Mr. J. John Kattakayam: മലയാളം അറിയാവുന്നവരാരും ഇവിടെയില്ലേ?

യാതൊരു നയവും നീതിയുമില്ലാത്ത പല നിയമനങ്ങളും പബ്ളിക്സർവീസ്കമ്മീഷണരുടെ ആവിർഭാവത്തോടുകൂടി ഇവിടെ നടന്നുകഴിഞ്ഞു. എന്തിനാണു പബ്ളിക്സർവീസ്കമ്മീഷണരെ ഇവിടെ അവരോധിച്ചിരിക്കുന്നത്? നീതിയും ന്യായവും നോക്കി നിയമനം നടത്താനല്ലേ? വാസ്തവത്തിൽ അലങ്കാരത്തിനുവേണ്ടി ഇങ്ങനെ ഒരു മേധാവിയെ വച്ചിരിക്കുന്നു എന്നല്ലാതെ മററു യാതൊരു പ്രയോജനവും ഞാൻ കാണുന്നില്ല. പൊതുജനങ്ങൾ നട്ടെല്ലുമുറിഞ്ഞാർജ്ജിക്കുന്ന ധനത്തെ ഇങ്ങനെ കണ്ടമാനം ചെലവു ചെയ്യുന്നതു ശരിയാണോ? ഇതുനിമിത്തം ജനങ്ങൾക്കു വിവിധതരത്തിലുള്ള കഷ്ടപ്പാടുകളുണ്ട്. ഡിഗ്രിയും ഭേസികൊണ്ടു നാട്ടിലും വീട്ടിലും കൊള്ളാതെ വഴിയാധാരമായി നടക്കുന്ന എത്രാനംപേർക്കു പ്രക്ഷോഭണം നടത്താനുള്ള ഒരു മാർഗ്ഗമാണിത്. ഉദ്യോഗ

[Mr. J. John Kattakayam.]

ത്തിനായി ൧൫൦൦൦ അപേക്ഷകളാണ് ഗവൺമെൻറിനു കിട്ടിയതു. ഈ ക്ഷാമകാലത്തു, ഉദ്യോഗാർത്ഥികളെ തീററിപ്പോററാൻ വിഷമമുള്ള ഇക്കാലത്തു അപേക്ഷാഫീസ് ൫ രൂപായും തിരുവനന്തപുരംവരെ വന്നു തിരിയെ പോകുവാനുള്ള ചെലവും പബ്ളിക്കിനെക്കൊണ്ടു ചിലവുചെയ്യിച്ചതു് എന്തിനാണ് എന്നു ഞാൻ ചോദിച്ചുകൊള്ളുന്നു. ഈ അപേക്ഷകളിൽനിന്നു ഗവൺമെൻറിന് എത്രരൂപാ ഈടായി എന്നും, ഇതിൽ ജനങ്ങൾക്കു എത്രത്തോളം നഷ്ടമുണ്ടെന്നും ഗവൺമെൻറ് അവധാനപൂർവം ഒന്നു ചിന്തിച്ചാൽ ഈ പരീക്ഷ നിറുത്തുന്നതു രാജ്യത്തിനും ജനങ്ങൾക്കും കൂടുതൽ ശ്രേയസ്കരമായിരിക്കുമെന്നു മനസ്സിലാകുന്നതാണ്.

ഇനി പബ്ളിക്സർവീസ് കമ്മീഷണരുടെ സ്റ്റാഫ് ശരിയായി ജോലിചെയ്യുന്നുണ്ടോ എന്നു നോക്കുകയാണെങ്കിൽ ഏതാവൽപര്യന്തം അവർ തൃപ്തികരമായി ജോലി നോക്കുന്നു എന്നു പറയുവാൻ നിവൃത്തിയില്ല.

President : I do not propose to lay too heavy restrictions upon the honourable member but he will confine his attention to the demand for the supplementary grant and not to the policy of appointing the Public Service Commissioner and the manner in which questions were set. Although these are interesting topics they do not come within the scope of the supplementary grant which is under discussion now.

Mr. J. John Kattakayam : ഈ സഭയുടെ അനുമതിക്കായി കൊണ്ടുവന്നിട്ടുള്ള ഒരു ഡിമാൻഡായതുകൊണ്ടു പറഞ്ഞുവന്നപ്പോൾ ഇതുംകൂടി പറഞ്ഞുപോയി എന്നേയുള്ളു. പബ്ളിക്സർവീസ്കമ്മീഷണർ നടത്തുന്ന പരീക്ഷയുടെ രീതിയേയും അതിൻെറ സ്ഥിതിഗതികളെയും പററി ഒന്നു പറഞ്ഞാൽകൊള്ളാമെന്നു വിചാരിക്കുന്നു. പരീക്ഷയിൽ പരാജിതരായവരുടെ ഒരു ലിസ്റ്റ് ഒന്നു ഗസററിൽ പ്രസിദ്ധപ്പെടുത്തണം. പരീക്ഷയിൽ ചേർന്നിട്ടുള്ളവർക്കോ അല്ലെങ്കിൽ അവരുടെ കാരണവന്മാർക്കോ പരീക്ഷയുടെ വിവരം അറിയാൻ ആഗ്രഹമുണ്ടായിരിക്കയെന്നുള്ളതു സ്വാഭാവികമാകുന്നു. നാം ആരുടെ അടുക്കൽനിന്നു പ്രതിഫലം വാങ്ങിക്കുന്നുവോ അവരുടെ ആവശ്യം നിറവേററേണ്ടതു നമ്മുടെ ചുമതലയാകുന്നു. അതുകൊണ്ടു ഈ വിവരം ഗസററിൽ പ്രസിദ്ധപ്പെടുത്തുന്നതു് ഗണ്യമായ ഒരു പുണ്യമായിരിക്കും.

President : The motion before the House is that a sum of Rs. 5,164 be granted to the Public Service Commissioner's office.

The motion was put to vote and carried.

The grant was made,

President: We will now proceed with the Report of the Public Accounts Committee. Before I say anything more it is for the honourable members of this House to consider whether they would like to sit till 2 P. M. and finish the discussion, because in the afternoon there is the Sasthamangalam procession and it might be necessary for the various officers to attend the function. It might conduce to convenience if this honourable House will go on till 2 o'clock I take it is agreed to. Then I propose to fix a maximum of 10 minutes for every member to speak.

DISCUSSION OF THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE ON THE AUDIT AND APPROPRIATION ACCOUNTS OF 1110.

Rao Bahadur A. Rangasvami Aiyar: Sir, I beg to move that the Report of the Public Accounts Committee on the Audit and Appropriation accounts of the year 1110 be taken up of consideration.

(At this stage the President left the Chair and Mr. V. S. Arumukham Pillai, one of the Panel of Chairmen, presided.)

Mr. M. N. Paramesvaran Pillai: Sir, this is perhaps the last occasion which this House gets for scrutinising the expenditure of Government, and to see whether every item of expenditure for which the vote of this House was obtained has been truly and faithfully spent for the purpose for which it was really meant. This time also the Report of the Public accounts Committee reveals the fact that the Government do not evince any anxiety to enforce correct budgeting. Of the 35 items of budget grants for the year 1110, we find that there were savings in not less than 28 items, aggregating to Rs. 7,75,023. It has become a standing and chronic complaint that large sums of money are unnecessarily allowed to be locked up under various budget heads so much so that very many important works of public utility have to be put off for want of funds. The statement published at page 3 of the report shows that for very many departments supplementary grants were obtained either from the Council or got sanctioned under Section 32 unnecessarily, when funds were, as a matter of fact, available under the sanctioned budget heads. Again, several irregularities are reported to have taken place in the application of the grants. For instance grants under one head had been allowed to lapse and then transferred to other heads in order to avoid supplementary grants.

Then again, in spite of our repeated protests every year, Government are spending large sums of money under Section 32. In 1110, the additional grants made under Section 32 amounted to Rs. 2,59,882, whereas the supplementary grants for which the vote of the Council was taken was only Rs. 2,41,162. Although there is a slight improvement in the year under review compared with

[Mr. M. N. Paramesvaran Pillai.]

the previous years, this practice is one which this House has to strongly deprecate. As in previous years, we find that some of the items for which money was sanctioned under Section 32 could not be said to be so very urgent as to invoke the extraordinary powers under that Section. The exercise of powers under Section 32 always exhibits that bureaucratic mentality which detests any consultation with representative institutions. The Report of the Public Accounts Committee will bear testimoney to the fact that your worthy predecessor had assured the Finance Committee that at least they would be consulted before the Government proposed to spend anything under Section 32. But we have by this time learned that they were mere empty words not meant to be carried out. Sir, you have also made an assurance that you will always take the Legislative Bodies into your confidence but the *bona fides* of that statement we have begun to suspect; for have you not appointed two retired men as Judges of the High Court with the necessary staff without consulting either the Finance Committee or the Assembly which was in session when the appointments were really made?

Mr. Kochikal P. Balakrishnan Tampi: Sir, I rise to a point of order. Is that relevant to the issue before the House? That question does not come before the House.

Rao Bahadur A. Rengasvami Aiyar: That question does not arise out of this report.

Chairman: Mr. Paramesvaran Pillai may go on with the discussion of the report and not touch upon matters not relevant.

Mr. M. N. Paramesvaran Pillai: Sir, I only wanted to point out that in spite of the assurance made by the Dewan that he will take this House into his confidence, Government have been spending large sums of money without the knowledge of this House. If this is the sort of confidence that is to be reposed in us, I am sorry to say this House will have to take the earliest opportunity to protest.

Chairman: I may tell the honourable member that the assurance does not relate to Section 32.

Mr. M. N. Paramesvaran Pillai: Sir, if I remember correct it related to the expenditure under Section 32. The Government have, in the case of the new High Court Judges, incurred expenditure under Section 32. The appointments are already over and no motion for supplementary grant is made.

I hope these matters will receive the earnest attention of Government and that at least in future they will not give room for such complaints.

Mr. K. P. Nilakanta Pillai: Sir, I also wish to make a few observations on the report submitted to this House. We have

been complaining that in the matter of making demands and spending the money already granted by this House, no definite principle or policy has been followed. The pages of the report placed in our hands are full of instances in which every recognised principle of getting demands and spending money is violated. You will find supplementary grants are asked for without any necessity and after that having granted them, the Heads of Departments cannot find means how to spend them. I ask the question, what was the necessity for demanding supplementary grants without actually feeling the need for them. Why should heads of department come with a supplementary grant?

That is one thing, Secondly, when there was plenty of money with a particular head of department to be spent in that department, he comes for more money and when that additional amount has been granted he allows the amount to lapse. Sir, these are, to put it in short, a sort of irresponsible way of coming for more money before this House. According to the report, a sum of Rs. 2·4 lakhs was granted by way of supplementary grants and the expenditure incurred in addition to the amount already granted is Rs. 1·5 lakhs and the savings effected whem compared with the budgetary grants is Rs. 7·7 lakhs. These figures will show that supplementary grants were asked for for nothing, when expenditure was incurred under Section 32 and that expenditure amounted to Rs. 2·6 lakhs Even the budgetary amount could not be spent and a saving of rupees 7·7 lakhs was effected in the departments taken together. These naturally should open the eyes of the learned Financial Secretary hereafter, because we have been working in a groove. Therefore the spend-thrift heads of the department would not be satisfied with the amount granted and without knowing whether they would require money or not they will demand for more.

10 Page 57 of the report shows that from the amount granted for the Trivandrum Electricity and Telephone Departments an amount of twenty nine and odd thousands rupees has been diverted. Again from the amount granted to the Quilon Town Electric Supply, an amount of forty thousand and odd rupees has been diverted. This is a very serious question. Probably there is no use of addressing this empty House. How could diversion be effected and under what circumstances could money be... ... ...

Mr. Kochikal P. Balakrishnan Tampi. Sir, is it not a reflection upon this House?

Mr. K. P. Nilakanta Pillai: Sir, I am only saying the fact. It is a fact that the House is empty and I cannot help saying it.

Sir, these diversions could not have been allowed under any provision and we do not know from this report whether sanction was obtained from Government. I had some occasion to deal with

[Mr. K. P. Nilakanta Pillai.]

this particular topic. Because the reserve fund accumulated on account of the Trivandrum Electricity it has been diverted and expended for Quilon Electricity. Apart from the objectionable way in which that money has been diverted, this House was not consulted, the Finance Committee was not consulted and I doubt whether even Government have been consulted. There is nothing to show that Government have been consulted. When the reserve fund has been accumulating and when naturally interest was growing, the unnecessary taxation of the Trivandrum consumers was highly objectionable. Under no circumstances could thse diversions have been allowed.

Again, Sir, one of the difficulties of the financial administration of the State is that there is no provision whatever for auditing the receipts of any department.

That fact also we have been presenting on the attention of the Government from time to time. A lot of defalcation and misappropriation of money has been the direct result. Even though we have been agitating for doing something towards the audit of the receipts of the departments for several years even after the appointment of a separate full-time Financial Secretary, no step seem to have been taken towards this direction. I say therefore the audit of the receipts of departments is definitely necessary. If that is done much saving could be effected in every department. Though not from personal experience I can understand how the amount of contingency in every department, without any real necessity, but some how, is manipulated and spent. The receipts are not at all audited. The expenditure side alone is audited. And Government do not know how the receipts of a particular department could more often adversely affect the receipts of another department. These matters are not brought to the notice of Government. They have to accept what the departments say. There is no provision to look into the receipts of the departments. That is a very serious defect. I hope some steps to rectify these mistakes will be taken.

Mr. J. John Kattakayam: സർ, പബ്ളിക് അക്കൌണ്ട്സ് കമ്മിററിറിപ്പോർട്ടിൽ കാണുന്നതു് ആണ്ടുതോറും ഓരോ ഇനത്തിനായി അനുവദിക്കുന്ന തുക വേറെ സംഗതികൾക്കായി ചെലവുചെയ്യുന്നു എന്നാണ്. അതുനിമിത്തം പലതരത്തിലുള്ള വിഷമതകൾ ഉണ്ടാകുന്നുണ്ട്. അനേകകാലമായി ഈ പതിവു തുടൎന്നുകൊണ്ടുവരികയാകുന്നു. ഏതു സംഗതിക്കായി വിനിയോഗിക്കുന്നതിനു ഒരുതുക നീക്കിവച്ചുവോ, അതേ സംഗതിക്കായി വിനിയോഗിക്കാത്തതുനിമിത്തം പല ഡിപ്പാർട്ടുമെൻറിനും വലിയ തരക്കേടുകൾ ഉണ്ടാകുന്നുണ്ട്. ഉദാഹരണത്തിനു

പബ്ളിക്‌വർക്ക്സ് ഡിപ്പാർട്ടുമെൻറിനെത്തന്നെ എടുക്കാം. അവക്കു ഏതെങ്കിലും ഒരു സ്ഥലത്തു ചിലവുചെയ്യുവാൻ നീക്കിവച്ചിട്ടുള്ള തുക എടുത്തു മറെറാരു സ്ഥലത്തെ ആവശ്യത്തിനായി വിനിയോഗിക്കാൻ അധികാരംകൊടുത്തിട്ടുണ്ടെന്നു തോന്നുന്നു. അങ്ങനെ അവക്കു അധികാരം കൊടുത്തിട്ടുണ്ടെങ്കിലും ഇല്ലെങ്കിലും ഇപ്രകാരം ചെയ്യുന്നതു് മാർത്താണ്ഡവമ്മയിലെ ശംകുആശാൻ പറയുന്നതുപോലെ "കാണ്മാനും കേപ്പാനും ആളില്ലാഞ്ഞിട്ടുതന്നെയാണു്." ഗവമെൻറു് അനാശാസ്യമായ ഈ നടപടിയെ മാററണമെന്നു് ഇതുവരെ വിചാരിച്ചിട്ടില്ല.

Chairman: നിങ്ങൾ റിപ്പോർട്ടിനെക്കുറിച്ചാണു സംസാരിക്കേണ്ടതു്.

Mr. J. John Kattakayam: സർ, റിപ്പോർട്ടിനെപ്പററി പറയുമ്പോൾ സർവപ്രധാനമായി പറയേണ്ട ഒരു സംഗതിയാണു് ഇതു്. ഒരുതുക ഏതു സംഗതിക്കു ചെലവുചെയ്യണമെന്നു നിശ്ചയിച്ചുവോ ആ സംഗതിക്കല്ലാതെ മററുതരത്തിൽ ചെലവു ചെയ്യരുതു. തൊടുപുഴതാലൂക്കിൽ ഒരു റോഡുവേണമെന്നു ൧൦൩-ാമത്തെ ശ്രീമൂലംപ്രജാസഭയിൽ പറയുകയും ഗവമെൻറു അനുവദിക്കുകയും അതിനുള്ള തുക ബഡ്ജററിൽ കൊള്ളിക്കുകയും ചെയ്തു. എന്നാൽ ആണ്ടുതോറും ആ തുക മററുതരത്തിൽ ചെലവഴിക്കുന്നു. ഇതുമൂലം തിരുവിതാംകൂറിൽ ആവശ്യമുള്ള സമയത്തു് ആവശ്യമുള്ള ജോലികൾ നടക്കാതെ വരുകയെന്നുള്ളതു് സർവസാധാരണമായി തീർന്നിട്ടുണ്ടു്. അതിനെ തടയേണ്ടതു് അധികൃതന്മാരുടെ കടമയാണു്. ഈ കാര്യത്തിൽ ബഹുമാനപ്പെട്ട ഗവമെൻറിൻെറ ദൃഷ്ടി അചിരേണ പതിയണമെന്നാണു് ഞാൻ പറയുന്നതു്. ഏതൊരുതരത്തിൽ ഏതൊരുതുക ചെലവുചെയ്യണമെന്നു തീരുമാനിച്ചോ, ആ തുക, ചെലവുചെയ്യാൻ ഇടവരാതിരിക്കുന്നപക്ഷം ആ ഡിപ്പാർട്ടുമെൻറിൻെറ റിസർവുഫണ്ടായി സൂക്ഷിക്കണം. അതു മററുകാര്യങ്ങൾക്കായി ചെലവുചെയ്യാൻ പാടില്ല. മൈനർ ഇറിഗേഷൻ ഇപ്രകാരം പ്രത്യേകം റിസർവുചെയ്യുന്നുണ്ടു്. പക്ഷേ, അതു ശരിയായ പ്രവർത്തനത്തിൽ കൊണ്ടുവരുന്നില്ല. അതു ശരിയല്ല. റിസർവുചെയ്യുന്നതുക ആവശ്യാനുസരണം അതാതു കാലങ്ങളിൽ അതേ ഇനത്തിനുവേണ്ടിതന്നെ ചെലവു ചെയ്യത്തക്കവിധത്തിൽ വേണ്ട നിയന്ത്രണം ഗവമെൻറു വരുത്തേണ്ടതാണു്. ഇങ്ങനെ ഗവമെൻറു നിഷ്കർഷിക്കുന്നപക്ഷം നിശ്ചയമായും കാര്യക്ഷമതക്കു ഹാനിവരാതെ അതാതു ഡിപ്പാർട്ടുമെൻറിലെ പ്രവർത്തനങ്ങൾ ശരിയായിനടക്കുമെന്നാണു് എനിക്കു തോന്നുന്നതു്.

[Mr. J. John Kattakayam.]

പണാപഹരണത്തെ സംബന്ധിച്ചു പല സംഗതികളും നിരന്തരം സംഭവിച്ചുകൊണ്ടിരിക്കുന്നു. ഗവൺമെൻറിന്റെ അനാസ്ഥകൊണ്ടുമാത്രമാണ് ഇങ്ങനെ പണാപഹരണം ഉണ്ടാകുന്നതു്. രാവിലെ ഞാൻ ചോദിച്ച ഒരു ചോദ്യത്തിനു നൽകിയ മറുപടിയിൽനിന്നും ഇതു് ഏകദേശം വിശദമായിട്ടുണ്ടു്. പണാപഹരണം അടിക്കടി വർദ്ധിച്ചുവരുന്നതല്ലാതെ കുറയുന്നില്ല. ഇക്കാര്യത്തിൽ ഗവൺമെൻറു ശരിയായി ശ്രദ്ധിച്ചിരുന്നു എന്നുവരുകിൽ പണാപഹരണം ക്രമാനുഗതമായി ഇങ്ങനെ വർദ്ധിച്ചുവരുകയില്ലായിരുന്നു. പണം അപഹരിക്കുന്നവരെയും അതു സൂക്ഷിക്കുന്നതിനു ചുമതലപ്പെട്ടവരെയും മാതൃകായോഗ്യമായി ശിക്ഷിച്ചിരുന്നു എങ്കിൽ ഇതു ഉണ്ടാകുമായിരുന്നില്ല.

ഗവൺമെൻറു ട്രഷറികളിൽനിന്നു് ധാരാളം കള്ളനാണയങ്ങളും കള്ളനോട്ടുകളും വിതരണം ചെയ്യുന്നുണ്ടു്. മുമ്പിരുന്ന ഫൈനാൻഷ്യൽ സെക്രട്ടറി എന്റെ ഒരു നിവേദനത്തിനുത്തരമായി മെമ്പർ പ്രതിനിധീകരിക്കുന്ന താലൂക്കിൽനിന്നുമാണ് കൂടുതൽ കള്ളനാണയങ്ങൾ വരുന്നതെന്നു പറയുകയുണ്ടായി. ഞാൻ പറയുന്നതു് ട്രഷറി ഉദ്യോഗസ്ഥന്മാർ കള്ളനാണയം ഉണ്ടാക്കുന്നവരെ മനഃപൂർവ്വം സഹായിക്കുന്നുണ്ടെന്നാണു.

Mr. K. P. Nilakanta Pillai: I doubt whether there is a quorum, Sir.

Mr. Kayalam Paramesvaran Pillai: (*Additional Head Sirkar Vakil*): The quorum is 10 members.

Mr. J. John Kattakayam: ഏതായാലും ട്രഷറികളിൽ നിന്നാണ് ഇപ്പോൾ കള്ളനാണയങ്ങൾ അധികമായി പുറത്തിറങ്ങുന്നതു്. ഇനി എനിക്കു കൈക്കൂലിയെപ്പററിയാണ് പറയാനുള്ളതു്. എന്റെ സ്നേഹിതന്മാർ ഒരുപക്ഷേ ഇപ്പോഴും ഇടക്കുചാടി വീണേക്കുമായിരിക്കാം.

കൈക്കൂലിപ്പാവികളായ ആളുകളേയും മാതൃകായോഗ്യമായ വിധത്തിൽ ശിക്ഷിക്കേണ്ടതാണ്. അങ്ങനെ ചെയ്യുന്നില്ലെങ്കിൽ ഗവൺമെൻറിന്റെ നടപടികൾ എല്ലാംതന്നെ വെറും പ്രഹസനങ്ങളായി ഭവിക്കുകയേ ഉള്ളൂ. ഗവൺമെൻറു ഉദ്യോഗസ്ഥന്മാർക്കുവേണ്ടിയും അവരുടെ മേലന്വേഷണത്തിനു വേണ്ടിയും അനേകം ധനവ്യയം ചെയ്യുന്നുണ്ടു്. എന്നാൽ അതിനുതക്ക പ്രയോജനം ജനസാമാന്യത്തിനു ഉണ്ടാകുന്നുണ്ടോ എന്നു സംശയമാണ്. കൈക്കൂലി സംബന്ധിച്ചും പണാപഹരണം സംബന്ധിച്ചും ഉണ്ടാകുന്ന കുഴപ്പങ്ങൾക്കു അവരിൽ നിന്നും ഉക

ഈടാക്കുന്നതുകൊണ്ടും അവർക്കു ഒരു പക്ഷെ ഒരു താക്കീതു നൽകുന്നതുകൊണ്ടും അല്ലെങ്കിൽ അവർക്കു നിർബന്ധിതമായ പെൻഷൻ കൊടുത്തു ഉദ്യോഗത്തിൽ നിന്നും പിരിച്ചയക്കുന്നതുകൊണ്ടും മാത്രം ഗവർമ്മെൻറു തൃപ്തിപ്പെട്ടുകൂടാ. അവരെ പൂജപ്പുരയിലുള്ള 'അതിഥിമന്ദിര'ത്തിൽ തന്നെ അയക്കണം. പണാപഹരണങ്ങളും മററും ഉണ്ടാകുമ്പോൾ അങ്ങനെ നമ്മുടെ ഗവർമെൻറു പ്രവർത്തിച്ചിരുന്നു എന്നു വരുകിൽ നിശ്ചയമായും, ഇന്നു നടക്കുന്ന അക്രമങ്ങളോ, അഴിമതികളോ, അധർമ്മങ്ങളോ, ഒന്നും ഇവിടെ നടമാടുകയില്ലായിരുന്നു. നേരെമറിച്ച് ഗവർമ്മെൻറു അവരെ സ്ഥാനത്തും അസ്ഥാനത്തും ആലോലം പാടി താലോലിച്ചു കൊണ്ടാണിരിക്കുന്നതു്. മുമ്പു ഞാൻപറഞ്ഞതു പോലെ ട്രഷറി ഉദ്യോഗസ്ഥന്മാർ കള്ളനാണയങ്ങൾ ക്രയവിക്രയങ്ങൾ ചെയ്യുന്നുണ്ടെന്നുള്ളതു് രഹസ്യമായ പരസ്യമാകുന്നു. ഗവർമ്മെൻറു ട്രഷറിയിൽ തന്നെ ഇങ്ങനെ തുടങ്ങിയാൽ പിന്നെ മററുള്ളവരോടുള്ള അവരുടെ പ്രവൃത്തി എന്തായിരിക്കുമെന്നുള്ളതു് ചിന്തിക്കാവുന്നതാണല്ലോ. ട്രഷറിയിൽ നിന്നും കള്ളനാണയങ്ങൾ കിട്ടുന്നതുകൊണ്ടു പലർക്കും അബദ്ധങ്ങൾ പററിയിട്ടുണ്ടു്. ആകയാൽ ഈവക സംഗതികളിൽ ഏർപ്പെടുന്ന ആളുകളെ മാതൃകായോഗ്യമായി ശിക്ഷിക്കണമെന്നാണു് എൻെറ അപേക്ഷ.

Rao Bahadur A. Rangasvami Aiyar : Sir, I wish to reply to some of the points raised by the members. First, in regard to the question of supplementary grants. This is a point dealt with by the Public Accounts Committee itself. I would invite attention to page 4, para 5 of the Report of Public Accounts Committee, which says as follows :—

> "......We went through the explanations forwarded by the Departmental Offices for having applied for supplementary grants when funds were available under the original grant, and found that it was not possible for them to gauge the savings at the time the supplementary grants were applied for".

Sir, this is the verdict given by the Public Accounts Committee which was attended by the chosen representatives of the Legistature to whom the matter was fully explained and these are the results of the deliberate conclusions which they have arrived at. I do not think that honourable members will expect an answer from me for every supplementary grant made. I hope the members will accept the verdict of their own representatives. You will find it satisfactorily explained there.

Mr. M. N. Paramesvaran Pillai : How would you explain for surpluses ?

Rao Bahadur A. Rangasvami Aiyar: It is not possible to foresee them.

Mr. M. N. Paramesvaran Pillai: May I know why it is not possible to forsee it?

Rao Bahadur A. Rangasvami Aiyar: The explanations are given on pages 19 to 22 of the Audit and Appropriation Report.

Then I come to the other point raised by Mr. K. P. Nilakanta Pillai, *viz*., the objection to the diversion of an amount from the Quilon Electric Supply to the Pallivasal Hydro Electric Scheme. Sir, in accordance with the budget system, though a demand is applied for under a single major head, the duty of Government is to see that the amount is fully utilised within that demand granted by the House. But Government have power to divert it to other items within the same demand. Now, Sir, he made out a point that the demand is granted for a specific purpose. But I would say no, because the grant made under one major head is made up of several minor heads and if it is found later on that some items require more funds than was estimated, Government are empowered to divert funds from such of the items as do not require the sums provided for them.

Mr. K. P. Nilakanta Pillai: May I know why the amounts ear-marked for Trivandrum and Quilon have been diverted for the use of Pallivasal? Does not such diversion prevent the accumulation of surpluses?

Rao Bahadur A. Rangasvami Aiyar: This point was also considered during the discussion of the Finance Committee. It was done because all the electric projects are regarded as a single scheme. The financial results of all the projects are taken together so that all the electric projects of this State should be regarded as a single project.

Mr. M. N. Paramesvaran Pillai: May I know whether the interest on the sum of Rs. 29,000 diverted will be charged to the Trivandrum Electric Supply?

Rao Bahadur A. Rangasvami Aiyar: The interest will be charged on the basis of actual expenditure. We have to see that the expenditure is kept within the grant. Government have power to divert any amount; they have only to see that the total demand is not exceeded.

Another point raised was with regard to the audit of receipts. The qustion has been discussed in para 12, page 15 of the report. It is not possible to take up the receipt audit of all the departments in the State. It is not done in British India. The receipts are

checked by the officers of the department in the course of their administrative duties. Besides the enormous cost that is involved, there are so many other difficulties in the way. Take for instance the case of Income tax. There is no guarantee that the audit will be more valuable than that of the departmental authorities. The persons doing the audit work may not be well acquainted with all the rules. In the case of the Education Department there is the Financial Assistant who examines the receipt statements in detail. In the case of customs receipts also, they have got an audit staff that carries out a test check. So the procedure adopted is the same as in British India. As a general rule it is the duty of the departmental authorities to carry out the receipts audit. The Account Officer is responsible for the expenditure audit only and it may not be commensurate with the advantage obtained thereby if they took up receipt audit also. I only want to say that the question was gone into by the Public Accounts Committee and that it is also in accordance with the practice elsewhere.

Mr. John Kattakayam wanted the constitution of several funds; and all lapses to be carried forward to each fund. This will seriously affect the flexibility and elasticity of the budget system. All the lapses go into the common pool. For minor irrigation we allot Rs. 2 lakhs. The surplus is carried on to a fund in order to see that the works are not starved and no difficulty is experienced. The formation of compartmental reserve funds will tie the hands of Govern ment and financial administration will become practically difficult As I said, it will affect the principle of the budget and the elasticity and flexibility of the system. I do not think that it is a sound financial proposition. Sir, I have answered all the important points.

The Council adjourned at 1-7 P.M. to meet again at 11 A. M. the next day.

P. PARAMESVARAN PILLAI,
Secretary to the Sri Chitra State Council.

PROCEEDINGS
of
THE TRAVANCORE SRI CHITRA STATE COUNCIL

(OFFICIAL REPORT.)

FIRST COUNCIL.

VOLUME IX—NUMBER 5.
NINTH SESSION—1936/1112.

Friday, the 11th December, 1936/26th Vrischikam, 1112.

The Council met in the Victoria Jubilee Town Hall at Eleven of the clock, with Sachivothama Sir C. P. Ramaswami Aiyar, K. C. I. E., Dewan-President in the Chair.

MEMBER SWORN.

Mr. R. Pitchu Aiyangar (*Commissioner of Police*) took the oath and signed the rolls.

QUESTIONS AND ANSWERS.

Appointment of the Controller of Stationery and Printing.

76 ***Mr. J. John Kattakayam** (*Muvattupuzha* cum *Todupuzha*): Will the Government be pleased to state :

(*a*) the time that has elapsed since funds were sanctioned for the appointment of the Controller of Stationery and Printing ; and

(*b*) the reason for not making the appointment till now?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai (*Chief Secretary to Government*): (*a*) Funds are being provided in the Budget from 1110 onwards.

(*b*) The question of selecting a suitable hand is under consideration.

Mr. J. John Kattakayam: ൧൧൧൦-ാമാണ്ടു മുതൽ ഈ ഉദ്യോഗത്തിനു ആളു കിട്ടിയില്ലെന്നു പറയുന്നു. ഇതിലേയ്ക്കു പരസ്യം മുഖേന അപേക്ഷകൾ ക്ഷണിച്ചിട്ടുണ്ടോ?

G. P. T. 1929.—350.

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: ഉണ്ട്.

Mr. J. John Kattakayam: എവിടെയെല്ലാം പരസ്യം ചെയ്തു?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: ഗസററിലും വർത്തമാനപ്പത്രങ്ങളിലും.

Mr. J. John Kattakayam: തിരുവിതാംകൂറിനു പുറത്തുള്ള ഏതെല്ലാം പത്രങ്ങളിലാണ് പരസ്യം ചെയ്തിരുന്നത്?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: രണ്ടുമൂന്നുപത്രങ്ങളിൽ പരസ്യപ്പെടുത്തി എന്നാണു ഓർമ്മ.

Mr. J. John Kattakayam: ഇപ്പോഴത്തെ പ്രസ്സ്സൂപ്രണ്ട് ഈ ജോലിവഹിക്കാൻ പ്രാപ്തനല്ലെന്നാണോ മെമ്പർപറയുന്നത്?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: അതു ഗവണ്മെൻറിൻെറ അഭിപ്രായംചോദിക്കയാണ്. അതിനുത്തരം പറയാൻ നിവൃത്തിയില്ല.

Mr. J. John Kattakayam: ഇതു സംബന്ധിച്ചുള്ള പരീക്ഷകൾ പാസ്സായിവരാൻ ഇപ്പോഴത്തെ പ്രസ്സൂപ്രണ്ടിനെ വെളിയിൽ അയച്ചിട്ടില്ലേ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: പ്രസ്സ് സംബന്ധമായ ജോലിയുടെ പരിശോധനത്തിനായി അയച്ചിട്ടുണ്ട്.

M. J. John Kattakayam : ആ ആളിനെക്കൊണ്ടു ഈ ജോലിക്കു മതിയാവുകയില്ലെന്നാണോ മെമ്പർ പറയുന്നത്?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: പിന്നെയും ഗവണ്മെൻറിൻെറ അഭിപ്രായം ചോദിക്കുകയാണ്. അതിനുത്തരം പറയാൻ നിവൃത്തിയില്ല.

Mr. M. N. Paramesvaran Pillai (*Municipal Councils*): May I know whether the Government have received any application from any qualified Travancorean?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: Many Travancoreans have applied; but Government do not think that any of them is sufficiently qualified for the post.

Mr. M. N. Paramesvaran Pillai: Did not Government tell the Finance Committee and the Legislature, when they asked for the grant for this purpose, that the appointment would be made immediately?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: That was the Government's intention; but they could not get a suitable hand.

Mr. M. N. Paramesvaran Pillai: May I know why the Government decided upon the appointment of one officer to control the Stationery Department and the Press?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: Now, the Press is under the Superintendent of the Government Press; and the Stationery Department is under the Chief Secretary. Government thought it would be better to have both these departments under the control of one officer.

Mr. M. N. Paramesvaran Pillai: Have the Government prescribed any qualification for the post?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: No; the idea is that the person selected should be one who will be able to manage both the Government Press and the Stationery Department.

Mr. M. N. Paramesvaran Pillai: Have the Government been able to find such a man?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: No, Sir, not yet.

Perumpavur-Koovapadi road.

77. ***Mr. G. Narayana Aiyar** (*Kunnatnad* cum *Parur*): Will the Government be pleased to state:

(*a*) the number of culverts in the Perumpavur—Koovapadi road;

(*b*) whether all such culverts are in good order and safe for travel;

(*c*) the total length of that road which has to be raised to make it above flood level;

(*d*) whether the abovesaid road is fit for motor cars and other vehicles to pass safely; and

(*e*) the total allotment for annual maintenance and repairs of that road?

Mr. K. Madhava Kurup (*Ag. Secretary to Government*):

(*a*) Four old damaged culverts without covering stones, etc.

(*b*) No.

(*c*) Five furlongs.

(*d*) No.

(*e*) Rs. 45 per year at Rs. 20 per mile.

Mr. G. Narayana Aiyar: With reference to part (*a*), may I know whether the road is being used by students going to the various schools in Perumpavur?

Mr. K. Madhava Kurup: I know it is being used by students coming from Koovapadi side.

Mr. G. Narayana Aiyar: May I know the average number of students making use of the road?

Mr. K. Madhava Kurup: No such statistics have been taken.

Mr. G Narayana Aiyar: May I ask whether there are not paddy fields on both sides of the road and whether, therefore, the agriculturists also are not using the road?

Mr. K. Madhava Kurup: Yes, Sir.

Mr. G. Narayana Aiyar: Do those agriculturists have any other road for access to the main road?

Mr. K. Madhava Kurup: I do not know that. But it has been ascertained that considerable expenditure will have to be incurred for raising the embankment above flood level and for gravelling the road. That is the reason why it has not been done.

Mr. G. Narayana Aiyar: What is the expenditure involved?

Mr. K. Madhava Kurup: No estimate has been prepared. A distance of five furlongs has to be raised considerably. It is not known exactly to what height it will have to be raised in order to be above flood level. Several culverts, about 10 of them, between 12 and 18 feet in diameter, have also to be constructed.

Mr. G. Narayana Aiyar: Have the Government received representations about this road?

Mr. K. Madhava Kurup: Not recently.

Mr. G. Narayana Aiyar: With reference to part (*b*) may I know how long it is since the culverts have been in disrepair?

Mr. K. Madhava Kurup: They have been in such damaged condition for a long time. It is more or less an unimportant village road.

Mr. S. Piraviperumal Pillai (*Commerce and Industry South*): May I know the distance between that road and the nearest toll-gate?

Mr. K. Madhava Kurup: I claim notice.

Tests necessary for certain appointments in the Police and Excise Departments.

78 ***Mr. M. N. Paramesvaran Pillai:** Will the Government be pleased to state:

(*a*) whether they consider physical fitness, height, girth, etc., as necessary tests for appointment in the executive line of the Police and Excise Departments;

(*b*) if so, whether these tests have been prescribed by the Public Service Commissioner for such appointments; and

(*c*) whether any appointment has been made in the Police and in the Excise Departments in disregard of these tests?

Rao Bahadur Rajyasevanirata Dr. N Kunjan Pillai: (*a*) Yes, so far as the Police Department is concerned. In regard

to the Excise Department, height and girth are considered necessary tests only for the recruitment of Petty Officers and Peons.

(b) Yes.

(c) No.

Mr. M. N. Paramesvaran Pillai: Are there Rules published by the Public Service Commissioner ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: Schedule No. I of the Public Service Recruitment Rules contains the information.

Mr. E. P. Varghese: (*Nominated*): Have these rules been prescribed in consultation with the Police Commissioner ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: The rules were framed by the Public Service Commissioner, and the Government sanctioned them.

Mr. E. P. Varghese: Was the Police Commissioner consulted?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: I think so.

Mr. E. P. Varghese: Now, are these appointments made direct by the Public Service Commissioner, or are they sent to the Police Commissioner for approval and final selection ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: The Public Service Commissioner makes the recruitment in consultation with the Police Commissioner.

Mr. E. P. Varghese: If the Police Commissioner has once been consulted when the rules were framed, may I know why he should be again consulted when actual recruitment is made ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: The Police Commissioner is the better judge of the fitness of men to be appointed in his department.

Help to newspapers.

79. ***Mr. J. John Kattakayam:** (a) Will the Government be pleased to state whether they subsidise any papers in or outside Travancore ?

(b) Will the Government be pleased to give a statement showing the number of copies subscribed by Government and the departments of the following papers :—the Hindu, the Madras Mail the Malayala Manorama, the Malayali, the Malayala Rajyam, the Kerala Kesari, the Bharatha Patrika, the Dakshina Bharathi, the Latin Christian, the Service, the Nazrani Deepika, the Nava Bharathi and the Chitradesom ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: (a) No.

(b) A statement is laid on the table.

* *Vide* Appendix I—pages 332 and 333.

Mr. J. John Kattakayam : ചില പത്രങ്ങളുടെ പ്രതികൾ കൂടുതലായും ചിലപത്രങ്ങളുടെ പ്രതികൾ കുറവായും വരുത്തുവാൻ കാരണമെന്താണു്?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : ഇതിൽ അധികവും എഡ്യൂക്കേഷൻ ഡിപ്പാർട്ടുമെൻറിൽനിന്നും ഗ്രാൻറു വാങ്ങിക്കുന്ന ലൈബ്രറികൾക്കു വേണ്ടിയാണു വരുത്തുന്നതു്. അതിലേക്കു അവർ ആവശ്യപ്പെടുന്ന പത്രങ്ങൾ വരുത്തികൊടുക്കും.

Mr. J. John Kattakayam: അവർ ചില പത്രങ്ങളോടു വ്യത്യാസം കാണിക്കുവാൻ ഉള്ള കാരണമെന്താണു്?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: അതറിയാൻപാടില്ല.

Mr. J. John Kattakayam: ശേഷമുള്ള പത്രങ്ങൾകൂടി എടുക്കാൻ ഏർപ്പാടു ചെയ്യുമൊ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : ഇതു് ലൈബ്രറികളുടെആവശ്യത്തിനുവേണ്ടി വരുത്തുകയാണെന്നു ഞാൻ ആദ്യമെപറഞ്ഞു. അവക്കാവശ്യമില്ലാത്ത പത്രങ്ങൾ വാങ്ങി അവരുടെ തലയിൽ വയ്ക്കേണ്ട ആവശ്യമുണ്ടെന്നു തോന്നുന്നില്ല.

Mr. J John Kattakayam: എങ്ങിനെയുള്ള പത്രങ്ങളാണു അവക്കാവശ്യമുള്ളതു്?

Rao Bahadur Rajasevanirata Dr. N. Kunjan Pillai: അതൊക്കെ ലിസ്ററിൽ പറഞ്ഞിട്ടുണ്ടു്. മലയാളമനോരമ, മലയാളരാജ്യം ഇതൊക്കെയാണു്.

Mr. J. John Kattakayam: ഏതുതരത്തിലുള്ള പത്രങ്ങളാണു് ഇതിലേക്കാവശ്യമുള്ളതു്?

Rao Bahadur Rajasavanirata Dr. N. Kunjan Pillai: അതു അവർവേണം നിശ്ചയിക്കാൻ.

Mr. Sayed M. Bava (*Nominated*) : ഈ ലിസ്ററിൽ മുസ്ലീംസ് നടത്തുന്ന പത്രങ്ങൾ ഉൾപ്പെടുത്തിയിട്ടുണ്ടോ?

Rao Bahadur Rajasevanirata Dr. N. Kunjan Pillai : ഈ ലിസ്ററിൽനിന്നു പത്രങ്ങളുടെ പേരറിയാമെന്നല്ലാതെ അതു് ഇന്ന ജാതിക്കാരാണു നടത്തുന്നതെന്നറിയാൻ തരമില്ല.

Mr. Sayed M. Bava: മുസ്ലിംങ്ങൾ തിരുവിതാംകൂറിൽ പത്രങ്ങൾ നടത്തുന്നുണ്ടെന്നു മെമ്പക്കറിയാമോ?

Rao Bahadur Rajasevanirata Dr. N. Kunjan Pillai : അറിയാം.

Mr. Sayed M. Bava : എത്രപേർ നടത്തുന്നുണ്ട്?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: ചില പത്രങ്ങളെല്ലാം മുടങ്ങിപോയിട്ടുണ്ട്. മുടങ്ങിയവ ചിലതെല്ലാം വീണ്ടും തുടങ്ങിയിട്ടുണ്ട്. എത്രപേർ നടത്തുന്നു എന്നു നിശ്ചയമില്ല എങ്കിലും ഒന്നോരണ്ടോ പത്രങ്ങൾ കണ്ടേയ്ക്കും.

Mr. M. N. Paramesvaran Pillai : May I know whether any news agency service is being subsidised by the Government ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : The original question relates to newspapers, Sir.

President : The supplemetary question is irrelevant.

Mr. K. P. Nilakanta Pillai (*Chirayinkil* cum *Nedumangad*) : May I ask whether newspaper information is being classified on the communal basis ?

Rao Bahadur Rajyasevanirata Dr. N. Kinjn Pillai : No.

Mr. E. P. Varghese : With whom does the choice of these newspapers lie so far as the Education Department is concerned-with the Director of Public Instruction or with the authorities of the library ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : The library applies for papers, and the Director of Public Instruction supplies them if he finds them unobjectionable.

Munsiff's Court compound at Perumpavur.

80. ***Mr. G. Narayana Aiyar** : Will the Government be pleased to state :

(*a*) who is in possession of the compound in which the Munsiff's Court house at Perumpavur is situated ;

(*b*) who maintains that compound ;

(*c*) whether there are any sort of walls existing for such compound ; and

(*d*) whether there is any urinal for the use of the public who resort to the Munsiff's Court, and, if so, where the same is located ?

Mr. K. Madhava Kurup : (*a*) & (*b*) Judicial Department.

(*c*) There are damaged mud walls around the compound.

(*d*) No.

Mr. G. Narayana Aiyar : How long is it since the walls of the compound have been in a damaged condition ?

Mr. K. Madhava Kurup : For a pretty long time.

Mr. G. Narayana Aiyar : Are the Government aware that, due to the damaged condition of the walls, stray cattle enter the compound and do mischief ?

Mr. K. Madhava Kurup: Yes. Government have under consideration the question of repair of the building and the maintenance of the compound wall.

Mr. G. Narayana Aiyar: How long will they take to come to a conclusion in the matter?

Mr. K. Madhava Kurup: I shall not be rash enough to make any prophecy in the matter.

Mr. G. Narayana Aiyar: May I know which part of the compound is being used by the public as urinal?

Mr. K. Madhava Kurup: Government have no information.

Mr. G. Narayana Aiyar: Is it not a fact that the High Court have recommended repeatedly the construction of a urinal in that compound?

Mr. K. Madhava Kurup: Not that I am aware of. One of the High Court Judges inspected the Court in Vrischikam 1111. He made certain recommendations but the provision of a urinal does not seem to have been one of them.

Bus Service conducted by newspaper owners.

81. ***Mr. J. John Kattakayam:** Will the Government be pleased to state:

(*a*) whether any newspaper proprietor is given permit to conduct taxi buses;

(*b*) if the answer to part (*a*) is in the affirmative, which proprietor is given permit and from what date;

(*c*) whether the Traffic Superintendent recommended that a permit should be given to any newspaper proprietor;

(*d*) whether the manager of the Malayali applied to the Government for running two taxi-buses and whether the Government extended the same privilege to the Malayali as given to another paper; and

(*e*) what were the reasons which induced Government to refuse permit to the manager of the Malayali to conduct taxi-buses?

Mr. R. Pitchu Aiyangar: (*a*) Yes.

(*b*) The proprietor of "Malayala Rajyam" Daily, from 26-9-1936.

(*c*) No.

(*d*) Yes; no.

(*e*) Government did not consider it necessary to grant the permit.

Mr. J. John Kattakayam: ഒരു പ്രധാന പ്രതിദിനപ്പത്രമായ മലയാളി അപേക്ഷിച്ചിട്ട് ബസ്സു സർവീസുനടത്താൻ അനുവാദം കൊടുക്കാതിരിക്കുന്നതിനുള്ള കാരണമെന്താണ്?

Mr. R. Pitchu Aiyangar: അതിൻെറ ആവശ്യമില്ലാത്തതുകൊണ്ട് അനുവാദം കൊടുത്തില്ല.

Mr. J. John Kattakayam: ആവശ്യമില്ലാത്തതുകൾ അപേക്ഷിക്കുമോ?

Mr. R. Pitchu Aiyangar: ആവശ്യമില്ലാതെയാണ് അപേക്ഷിച്ചതു്.

Mr. J. John Kattakayam: പത്രങ്ങൾ ബസ്സുമാർഗ്ഗം അയക്കുന്നതുകൊണ്ട് അഞ്ചൽ റവന്യൂ കുറയുവാനിടയുണ്ടെന്നു മെമ്പർക്കറിയാമോ?

Mr. R. Pitchu Aiyangar: അതു ഞാൻ പറയാതെതന്നെ അറിയാമല്ലോ.

Mr. J. John Kattakayam: അഞ്ചൽ ഡിപ്പാർട്ടുമെൻറിൻെറ വരുമാനം വർദ്ധിക്കത്തക്കവിധത്തിൽ വേണ്ടതു ചെയ്യുന്നതിനു ഗവൺമെൻറു നിഷ്കർഷയായിട്ടു പ്രവർത്തിക്കുമോ?

Mr. R. Pitchu Aiyangar: അങ്ങിനെ പ്രവർത്തിക്കുന്നുണ്ട്.

Mr. J. John Kattakayam: എന്തെല്ലാമാണു അങ്ങിനെ പ്രവർത്തിച്ചതു്?

Mr. R. Pitchu Aiyangar: ആ ചോദ്യത്തിനു നോട്ടീസ് വേണം.

Mr. E. P. Varghese: Has the proprietor of any other newspaper applied for bus service?

Mr. R. Pitchu Aiyangar: No.

Thondankulangara Ariad Munro Light Road.

82. ***Mr. K. Padmanabha Panickar:** Will the Government be pleased to state:

(a) whether they have sanctioned the estimate for the construction of the Tondankulangara Ariad Munro Light Road in Ambalapuzha taluk;

(b) whether the work is to be taken up this year;

(c) if not, when it would be commenced;

(d) whether the owners of the lands adjoining the *porambokе* required for the road have surrendered the necessary lands;

(e) whether Government have taken possession of such lands; and

(f) if not, why?

Mr. K. Madhava Kurup: (a) No.

(b) No.

(c) After the estimate is sanctioned and necessary funds provided.

[MR. K. Madhava Kurup]

(*d*) Some have given written consent to that effect.

(*e*) No, but steps are in progress.

(*f*) Because written consents have still to be obtained from some land owners.

Pankajam Motor Service Union.

83. ***Mr. J. John Kattakayam**: Will the Government be pleased to state:

(*a*) the number of accidents that took place till now, in the service of Pankajam Motor Union buses;

(*b*) the number of buses belonging to this Union which have been overturned and the number of times it happened;

(*c*) where, on what dates and which of the buses have been so overturned;

(*d*) the number of deaths that took place on account of the overturning of these buses;

(*e*) whether the Pankajam buses have collided with other buses;

(*f*) if so the year, month, date and the place of their collision;

(*g*) the number of persons injured, the number sent to hospital, and the number that died on acccount of the collision;

(*h*) whether it has collided with the Anchal bus which came from the opposite direction along the Muvattupuzha-Todupuzha line, during last Edavam;

(*i*) the number of persons who were injured then;

(*j*) of the injured, the number of persons sent to the hospital and their condition;

(*k*) whether any other Pankajam bus capsized or came into collision on the day of the collision with the Anchal bus;

(*l*) the number of persons who died of accident on account of the Pankajam bus service ever since the service began;

(*m*) whether on the last Easter day a Pankajam bus ran over a person at Kothamangalam and caused his death;

(*n*) whether the Pankajam bus went away without stopping after the above incident;

(*o*) whether it was not one of the buses that plied irregularly and without stopping at the checking-stations;

(*p*) whether any statements on this matter have been published in the Malayala Rajyam Daily;

(*q*) whether the company have given notice of suit to the proprietors of that paper for publishing the real facts; and

(*r*) whether, in accordance with this, the Pankajam Motor Union has filed a suit?

Mr. R. Pitchu Aiyangar: (*a*) Six.

(*b*) One: once.

(*c*) Near Devicolam Police Station; on 15-10-1111; T. V. R. No. 5099.

(*d*) Nil.

(*e*) Yes.

(*f*) 15-10-1111; between the 3rd and the 4th mile on the Muvattupuzha-Todupuzha route.

(*g*) four; four: nil.

(*h*), (*i*) and (*j*) *vide* answers to parts (*f*) and (*g*).

(*k*) Yes, *vide* answer to part (*b*).

(*l*) Two.

(*m*) Yes.

(*n*) Yes.

(*o*) Yes; the only bus that plied irregularly.

(*p*) Yes.

(*q*) Yes.

(*r*) Government have no information.

Irrigation canals in Neyyattinkara taluk.

84 ***Mr. N. K. Padmanabha Pillai**: Will the Government be pleased to lay on the table a statement showing the names of irrigation canals in Neyyattinkara taluk together with a statement showing the amount of money spent by the P. W. D. for the maintenance and improvement of each of these for the last two years (1110 and 1111)?

Mr. K. Madhava Kurup: The member is referred to page 161 to 171 of the printed statement of irrigation tanks and canals in the State attached to the report of the Minor Irrigation Committee placed on the table of the Secretary to the Sri Chitra State Council for reference. As for the amount spent on them for the years 1110 and 1111, a statement *is laid on the table.

Theft of the seal of a Sub-Registrar's Office.

85. ***Mr. J. John Kattakayam**: Will the Government be pleased to state:

(*a*) whether the seal of the Sub-Registrar's Office at Tiruvattar has been stolen;

(*b*) whether another seal in its place has been issued to that office.

(*c*) how, in the absence of the seal, registration was effected; and

(*d*) whether as a direct consequence of the incident, the public of that place were not put to much inconvenience?

**Vide* Appendix II—page 334.

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai (*a*) and (*b*) Yes.

(*c*) Rule 13 of the Rules issued under the Registration Regulation indicates the procedure to be adopted in such cases.

(*d*) No.

The District Municipalities Bill.

86. ***Mr. K. Sankaralingom Pillai:** Will the Government be pleased to state whether it is their idea to drop the District Municipalities Bill?

Mr. Kayalam Paramesvaran Pillai: No.

Mr. K. Sankaralingom Pillai: At what stage is the Bill now?

Mr. Kayalam Paramesvaran Pillai: It is with the Select Committee of the other House.

Mr. K Sankaralingom Pillai: How long has it been with them?

Mr. Kayalam Paramesvaran Pillai: It was referred to the Committee on the 22nd May 1935.

Mr. M. N. Paramesvaran Pillai: How many sittings have there been till now of that Select Committee?

Mr. Kayalam Paramesvaran Pillai: They sat for five days from the 26th March 1936.

Mr. M. N. Paramesvaran Pillai: How many Clauses have they got through?

Mr. Kayalam Paramesvaran Pillai: I claim notice.

Capture of Kripanams by the Reserve Police.

87. ***Mr. J. John Kattakayam:** Will the Government be pleased to state:

(*a*) whether *kripanams* of Sirdar Jaya Singh (K. C. Kuttan) and Sirdar Theja Singh have been taken away by the Reserve Police at Alleppey; and

(*b*) if so, the reasons therefor?

Mr. R. Pitchu Aiyangar: (*a*) No.

(*b*) Does not arise.

Encumbrance certificates granted from Sub-Registrar's Office.

88. ***Mr. G. Narayana Aiyar:** Will the Government be pleased to state:

(*a*) whether it is a fact that encumbrance certificates granted by the Sub-Registrars to parties on payment of the necessary fees contain a clause (number 3) to the effect that the Sub-Registrar's Office is not responsible for any defects or omissions in the same;

(*b*) if the answer to part (*a*) is in the affirmative, under what authority such incomplete certificates are issued ; and

(*c*) whether they are aware that such incomplete certificates are causing much harm to *bona fide* dealers of immovable property?

Rao Bahadur Kajyasevanirata Dr. N. Kunjan Pillai : (*a*) Yes.

(*b*) and (*c*). The Government are not aware of the issue of any incomplete encumbrance certificates by the Registration Department. If however any such certificates are issued, then it must be the result of *bona fide* oversight on the part of the subordinates who are protected in this respect by Section 80 of the Registration Regulation and Clause 3 of the encumbrance certificate itself.

Mr. G. Narayana Iyer : With reference to answer to part (*b*) & (*c*) may I know whether under the Rule 137 the department is not bound to give a certificate containing all the encumbrances?.

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: The department is doing it.

Mr. G. Narayana Aiyar : In view of that fact, may I know wherein lies the necessity for inserting a saving clause as clause 3 wherein they say.................

"ഈ സംഗതിയിൽ ഹർജിക്കാരൻ താൻതന്നെ ശോധനചെയ്കയാകട്ടെ ശോധന ചെയ്‌വാനായി വല്ലവരെയും അയക്കുകയാകട്ടെ ചെയ്തിട്ടില്ലാത്തതിനാൽ ആവശ്യമായ ശോധന ഈ ആഫീസിലെ ഒരു ക്ലാർക്ക് കഴിയുന്നിടത്തോളം സൂക്ഷ്മമായി ചെയ്തിരിക്കുന്നു എന്നാൽ ഈ സാക്ഷ്യപത്രത്തിൽ അടങ്ങിയ ശോധനഫലത്തിന്റെ കാര്യത്തിൽ ഈ ആഫീസിൽനിന്നു യാതൊരുസംഗതിവശാലും ഉത്തരവാദിയായിരിക്കുന്നതല്ല.

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : There may be bona fide oversight and the officers should not be held responsible for such omissions.

Mr. G. Narayana Aiyar : May I know whether such exemption is granted in the case of copies issued either from civil courts or criminal courts. ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : In the case of judgments and records there is no possibility of any mistake occuring by oversight. But in the case of encumbrance certificates a number of old records have to be examined and it is quite possible that mistakes may creap in, not wilfully or intentionally. There may be bona fide oversight and that is why this clause is put in to protect the officers.

Mr. G. Narayana Aiyar : May I know when the rule specifically imposes the department to issue a certificate free from all encumbrances why any exemption should be granted which would result in serious hardship to the public ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: The rule is there and everything possible is being done. Where there is any doubt the parties are also allowed to search the records and find out any inaccuracy or omission.

Parking of Rikshas on public roads.

89. ***Mr. J. John Kattakayam**: Will the Government be pleased to state:

(*a*) whether there is any law regarding the parking of *rikshas* on public roads in towns;

(*b*) whether the police has at any time prohibited the parking of *rikshas* in any part of the Kottayam town;

(*c*) if so, the reasons therefor;

(*d*) whether the authorities have received any complaints about this from the *riksha-wallahs*; and

(*e*) if so, whether the complaints have been remedied?

Mr. R. Pitchu Aiyangar: (*a*) No.

(*b*) No.

(*c*) Does not arise.

(*d*) No.

(*e*) Does not arise.

Officers in the Excise Department.

90. ***Mr. Tariatu Kunjitomman**: Will the Government be pleased to lay on the table a statement, by caste, of officers in the Excise Department drawing a pay of Rs. 50 and over?

Mr. C. O. Madhavan: *A statement furnishing the required information is laid on the table.

Examination results of the Arts and Science Colleges.

91. ***Mr. J. John Kattakayam**: (1) Will the Government be pleased to lay on the table a statement showing the annual percentage of passes of students of the Arts and Science Colleges, Trivandrum, for the last twelve years?

(2) Will they be pleased to state;

(*a*) the reason why the failure of Intermediate students of the Arts College is much heavier than that of the Science College every year; and

(*b*) whether an English text is being completely taught even within two years?

Mr. G. V. Chandrasekharan: (1) The †statement asked for is placed on the table.

**Vide* Appendix III—page 335

†*Vide* Appendix IV—page 336 and 337,

(2) (*a*) The statement contained in the question is not a fact.

(*b*) Yes.

Printed forms for issue of processes in the Munsiff's Court at Perumpavur.

92. ***Mr. G. Narayana Aiyar**: Will the Government be pleased to state whether processes as well as warrants for the payment of money were not being issued from the Munsiff's Courts at Perumpavur and Muvattupuzha, for want of the necessary printed forms for a long period in 1111, and if so, what was the period during which they were not issued, and what were the reasons for the delay and who is responsible for the same?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: In regard to the Munsiff's Court at Perumpavur, there was no such period.

In the Munsiff's Court at Muvattupuzha, summonses of suits were not issued to defendants for want of printed forms for three weeks from 30-9-1111 to 21-10-1111. All the other processes, including warrants for payment of money, were regularly issued. There were abnormal files of Jenmis' Suits about the end of 1110 which were not anticipated and which required an unusually larger number of forms in 1111 than are ordinarily kept in stock in the court.

Mr. G. Narayana Aiyar: The answer says:—

> "In regard to the Munsiff's Court at Perumpavur, there was no such period."

May I know whether the Munsiff at Perumpavur had written to the Stationery Superintendent on 29-10-1111, 6-11-1111, 18-11-1111 and 9-12-1111 asking for forms?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: The member seems to know all about the correspondence between the Munsiff and the Stationery Superintendent. He may take it as correct.

Mr. G. Narayana Aiyar: How can I reconcile with the inconsistency found in the printed answer?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: There might have been occassions when the printed forms were not available, and then other printed forms with suitable modifications and manuscript forms might have been used. There was no time when the warrants were not issued.

Mr. G. Narayana Aiyar: May I know whether in the case of using manuscript copies instead of printed forms much delay would be caused?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : It is unavoidable. For a short time the stock of printed forms in the Stationery Department ran short and it had to be reprinted. In such cases some delay is inevitable.

Mr. G. Narayana Aiyar : Is it a fact that there was no stock with the Stationery Superintendent?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : Yes. That is why it was not supplied in time.

Constables and breach of the peace.

93. ***Mr. J. John Kattakayam** : Will the Government be pleased to state :

(*a*) whether any action has been taken departmentally on the Constables who got themselves drunk and created a row on the Wadai road in front of the Taluk Office, Quilon, during the month of Edavam last ;

(*b*) whether another Constable has created such a row, some-where about the above period, in the vicinity of the arrack shop close to Kallukadavu at Quilon ; and

(*c*) the nature of the punishment meted out to them ?

Mr. R. Pitchu Aiyangar : (*a*) and (*b*). No such incidents have been reported.

(*d*) Does not arise in view of answer to parts (*a*) and (*b*).

Opening of a railway from Kottarakara to Alwaye.

94. ***Mr. Tariattu Kunjitomman :** Will the Government be pleased to state whether they have taken any preliminary steps for the opening of a railway from Kottarakara to Alwaye?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : No.

Superannuated persons in Public Service.

95. ***Mr. J. John Kattakayam :** Will the Government be pleased to state :

(*a*) the number of pensioned Gazetted Officers who are even now doing full-time work in the Public Service ;

(*b*) whether there are Government servants who have not been pensioned off even though they have completed their 55th year of age ; and

(*c*) their number and who they are?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : (*a*) Two.

(*b*) & (*c*) Yes ; four—

1. Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai, Chief Secretary to Government.

2. Mr. C. S. Krishnasvami Aiyar, Senior Assistant Account Officer.

3. Mr. M. R. Madhavan Unnithan, Superintendent, School of Arts.

4. Mr. K. Sambasiva Sastri, Curator for the Publication of Oriental Manuscripts.

Mr. M. N. Paramesvaran Pillai : With reference to the answer to part (*a*) may I know the names of the officers?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : Am I to give out their names, Sir?

Mr. M. N. Paramesvaran Pillai : May I know in which Departments they are working?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : One in the Forest Department and the other in the State Guests Department.

Mr. M. N. Paramesvaran Pillai : May I know the reasons for entertaining such pensioned officers?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : Government thought it necessary to get their services for the particular appointments.

Mr. M. N. Paramesvaran Pillai : May I know whether those officers are receiving as pay and pension any amount in excess of the amount he or she was getting on the date of his or her retirement?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : I claim notice.

Mr. M. N. Paramesvaran Pillai : May I know whether the rules allow in the case of such persons to get any amount in excess of the salary they were receiving on the date of their retirement?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : Government can give special sanction in such cases.

Mr. M. N. Paramesvaran Pillai : May I know whether the existing T. S. R. Rules permit it?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : Government can make deviations from the rules.

Establisment of a Police out-post at Kanjiramcolam.

96. * **Mr. N. K. Padmanabha Pillai :** Will the Government be pleased to state:

(*a*) whether the people of Karumkulam pakuthi in Neyyattinkara taluk have sent representations to the Government or to the Police Commissioner praying for the establishment of a police out-post at Kanjiramcolam or any other suitable place; and

(*b*) if so, what action was taken thereon?

Mr. R. Pitchu Aiyangar: (*a*) No.

(*b*) Does not arise.

Fourth Bench of the High Court.

97. ***Mr. M. N. Paramesvaran Pillai**: Will the Government be pleased to state:

(*a*) whether they have decided to constitute a fourth Bench in the High Court; and

(*b*) whether the Trivandrum Vakils' Association has sent up any protest against the policy of Government in appointing retired officers as Judges of the High Court?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: (*a*) A fourth Bench of the High Court has already been constituted with effect from the 8th Vrischikam 1112/23rd November 1936.

(*b*) Yes.

Mr. M. N. Paramesvaran Pillai: With reference to the answer to part (*b*), may I know what action Government have taken?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: The representation has been recorded.

Mr. M. N. Paramesvaran Pillai: May I know for what purpose the fourth Bench has been constituted?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: To clear off arrears.

Mr. M. N. Paramesvaran Pillai: May I know the number of cases that was pending in the High Court on the date of the constitution of this Bench?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: I claim notice.

Mr. M. N. Paramesvaran Pillai: May I know whether there are other retired officers appointed as Judges of the High Court besides these two Judges?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: No officer retired from Travancore Service.

Mr. M. N. Paramesvaran Pillai: May I know the pay given to these retired officers?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: They are given an honorarium of Rs. 400 a month.

Mr. M. N. Paramesvaran Pillai: May I know the pay given to the retired officers taken from outside?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: It is given in the Civil List.

Mr. M. N. Paramesvaran Pillai: May I know why Government have made a distinction in the pay of the officers taken from outside and those from this State?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: Government thought it necessary to do so.

Mr. Komilezhathu Sankaran (*Nominated*): May I know what has the Vakils' Association to do with the appointment of the High Court Judges?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: That question may be asked to the Honorary Secretary of the Vakils' Association.

Sub Registrar's Cutcherry at Neyyattinkara.

98. ***Mr. N. K. Padmanabha Pillai:** Will the Government be pleased to state:

(*a*) whether they received any proposal to construct an office for the Sub-Registrar's Cutcherry at Neyyattinkara;

(*b*) if so, when;

(*c*) whether any estimate was prepared therefor;

(*d*) if so, when it was so prepared;

(*e*) whether that work has been begun; and

(*f*) if not, why not?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai:

(*a*) Yes.

(*b*) In September 1936.

(*c*) Yes.

(*d*) In June 1936.

(*e*) No.

(*f*) The necessary sanction for the work was accorded only very recently.

Mr. N. K. Padmanabha Pillai: May I know whether the work will be taken up without any further delay?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: Yes, Sir.

Water Works Scheme in Shencotta.

99. ***Mr. K. Sankaralingom Pillai:** Will the Government be pleased to state:

(*a*) what progress has been made in the working of the Water Works Scheme in Shencottah, since the sites for the wells were fixed upon; and

(*b*) whether it is a fact that the Water Works Engineer does not find time to visit the place?

Mr. K. Madhava Kurup: (*a*) After the site for the source of water for the town-supply was decided upon, the designs of the various structures constituting the scheme were prepared as also the estimates, both of which are nearing completion. Proposals

[Mr. K. Madhava Kurup.]

for the acquisition of land required were made out. The construction of the Project can be put in hand after the construction staff enters upon its duties.

(*b*) The Water Works Engineer did visit the place as often as necessary; and during the period when he was not able to go over to Shencotta, he gave his attention to the designs which were being prepared by the Assistant Engineer at Alleppey during his visits to Alleppey. The Assistant Engineer, Alleppey, is also in charge of the Investigation work at Shencotta.

Mr. K. Sankaralingom Pillai: May I know when the site was chosen?

Mr. K. Madhava Kurup: The site was chosen in Makaram 1111.

Mr. K. Sankaralingam Pillai: May I point out that the site was chosen even before that?

Mr. K. Madhava Kurup: I believe the site was chosen and finally fixed in Makaram 1111.

Irrigation tanks in certain pakuthies of Nedumangad taluk.

100. ***Mr. N. K. Padmanabha Pillai:** Will the Government be pleased to state:

(*a*) the number of irrigation tanks in the Mannurkara, Vellanad, Uzhamalakkal Perumkulam, Kulattummel and Veeranakavu pakuthies in Nedumangad taluk; and

(*b*) the amount that has been spent towards the improvement of the irrigation tanks in the pakuthies since the inauguration of the new irrigation Section of the P. W. D.?

Mr. K. Madhava Kurup: (*a*) 124 as per the printed list attached to the Minor Irrigation Committee's report.

(*b*) None, since the formation of the Irrigation Division.

Mr. N. K. Padmanabha Pillai: May I know the reason for not spending any money?

Mr. K. Madhava Kurup: Most of the tanks in Nedumangad are petty irrigation works, in respect of which the ryots should do the work themselves.

Officers in the Secretariat drawing Rs. 100 and above.

101. ***Mr. Tarlatu Kunjitomman:** Will the Government be pleased to lay on the table a statement, by caste, of officers in the Huzur Department drawing a pay of Rs. 100 and above?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: The *statement is laid on the table.

*Vide Appendix v—page 338.

Mr. Tariatu Kunjitomman : സെക്രട്ടറിയേററിൽ ൨൦൦ രൂപായ്ക്കുമേൽ ശമ്പളമുള്ള ൩൨ ഉദ്യോഗങ്ങളുണ്ടെന്നു കാണുന്നു. ഇതിൽ ഒരു വലിയ ജനവിഭാഗമായ സിറിയൻ കത്തോലിക്കർ, ഈഴവർ, മുസ്ലീങ്ങൾ ഇവരിൽനിന്നു ആരും ഇല്ലാതിരിക്കുന്നതിനു പ്രത്യേകം വല്ല കാരണവുമുണ്ടോ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : ൨൦൦ രൂപയ്ക്കു മേലുള്ള ശമ്പളങ്ങളിൽ നിയമിക്കുന്നതു് പ്രമോഷൻ വഴിയാണു്. അല്ലാതെ ഡയറക്ട് റിക്രൂട്ടുമെൻറല്ല. പ്രമോഷൻ കൊടുക്കുന്ന കാര്യത്തിൽ സമുദായപ്രാതിനിധ്യം സാധാരണയായി നോക്കാറില്ല.

Mr. Tariatu Kunjitomman : താണ ഉദ്യോഗങ്ങളിൽ ഇങ്ങനെയുള്ളവരെ നിയമിക്കാത്തതുകൊണ്ടല്ലേ പ്രമോഷൻ കിട്ടാതെ വരുന്നതു്?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: ഇനി പബ്ളിക് സർവീസ് റിക്രൂട്ടുമെൻറു റൂൾസ് അനുസരിച്ചു് നിയമനം നടത്തുമെന്നുള്ളതുകൊണ്ടു് ഈ ദോഷം തീരുന്നതാണു്.

Mr. Tariatu Kunjitomman : ജുഡിഷ്യൽ വകുപ്പിൽനിന്നും സെക്രട്ടറിയേററിൽ എടുക്കാറുണ്ടല്ലോ. അങ്ങിനെ എടുക്കുമ്പോൾ സമുദായങ്ങളുടെ പ്രാതിനിധ്യം പ്രത്യേകം ഗൌനിക്കുമോ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : മേലാലുള്ള നിയമനങ്ങളെല്ലാം പബ്ളിക് സർവീസ് റിക്രൂട്ടുമെൻറു റൂൾ അനുസരിച്ചു നടക്കുന്നതാണു്.

Mr. Tariatu Kunjitomman : റൂൾസിനു വിരുദ്ധമല്ലാത്തവിധത്തിൽ മററു ഡിപ്പാർട്ടുമെൻറിൽനിന്നും ആളുകളെ എടുക്കുമ്പോൾ ഇങ്ങനെയുള്ള സമുദായങ്ങളുടെ കാര്യം ഗൌനിക്കുമോ?

Rao. Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : ആലോചിക്കാം.

Mr. Tariatu Kunjitomman : പന്ത്രണ്ടു ലക്ഷത്തോളം വരുന്ന ഈ സമുദായങ്ങൾക്കു് ഇക്കാര്യത്തിൽ സങ്കടമുണ്ടെന്നു ഗവൺമെൻറിനറിയാമോ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : സങ്കടമുണ്ടായിരിക്കും. എങ്കിലും നിവൃത്തിയുള്ളതെല്ലാം ചെയ്യുന്നുണ്ടു്.

Mr. Tariatu Kunjitomman : ഈ കാര്യത്തിനു നിവൃത്തിയുണ്ടാക്കാൻ ഗവൺമെൻറാലോചിക്കുമോ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: ഇതൊക്കെ പ്രമോഷനെ സംബന്ധിക്കുന്ന കാര്യങ്ങളാണ്. അതിൽ സമുദായപ്രാതിനിധ്യം നോക്കുക എന്നുള്ളത് അത്ര എളുപ്പമുള്ള ഒന്നല്ല. എങ്കിലും പ്രമോഷൻ കൊടുക്കേണ്ടവിഷയത്തിൽ നിവൃത്തിയുള്ളിടത്തോളം സാമുദായികാവകാശത്തെക്കൂടി ആലോചിക്കുന്നതാണ്.

Mr. E. P. Varghese: May I know whether the one Latin Catholic clerk in the Secretariat is a graduate or an under-graduate?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: I have not got with me now the names of all the clerks in the Secretariat. The original question relates to officers drawing a salary of Rs. 100 and above only.

Mr. E. P. Varghese: May I know whether there is at least one Latin Catholic clerk in the lower grade so that he may be promoted to the higher grade in future?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: I claim notice.

Mr. E. P. Varghese: May I know whether there is any other Latin Catholic clerk in the Secretariat other than a typist?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: I claim notice. I will answer it if a separate question is put later on.

Minor irrigation works in Neyyattinkara taluk.

102. ***Mr. N. K. Padmanabha Pillai**: Will the Government be pleased to state:

(*a*) the amount of money alloted for minor irrigation purposes in Neyyattinkara taluk this year (1112);

(*b*) the amount expended so far for the purpose in the taluk; and

(*c*) the works undertaken so far in Neyyattinkara taluk?

Mr. K. Madhava Kurup: (*a*) Rs. 17,615.

(*b*) Rs. 84.

(*c*) A list* is placed on the table.

Magistrates recruited during the last three years.

103. ***Mr. Tariatu Kunjitomman**: Will the Government be pleased to lay on the table a statement, by caste, of second and third Class Magistrates, recruited during the last three years?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: A statement† furnishing the information is laid on the table.

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* *Vide* Appendix VI.—page 339.

† *Vide* Appendix VII.—page 340.

Mr. Komilezhathu Sankaran : May I know the name of the Ezhava Magistrate.

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : Shall I give out the name of the Ezhava Magistrate, Sir?

President : There is no harm.

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : But I do not remember the name. (*Laughter*) I have to claim notice.

Mr. Komilezhathu Sankaran : May I know whether that man is still a Magistrate? Is there an Ezhava Magistrate at present. There is no Ezhava Magistrate at present. I challenge the answer of the Chief Secretary that there is an Ezhava Magistrate.

Mr. M. N. Paramesvaran Pillai : Sir, I raise to a point of order. Is the member entitled to impart information?

President : I hope he is putting a question in the form of a challenge

Sub-Registrar's Cutcherry, Parasala.

104. ***Mr. N. K. Padmanabha Pillai** : With reference to the Sub-Registrar's Cutcherry, Parasala, Neyyattinkara taluk, will the Government be pleased to state :

(*a*) whether they are aware that the building in which that office is held is in a very unsatisfactory condition, and that the client's shed attached thereto is in a most dilapidated state;

(*b*) whether it is a fact that the Government sanctioned an amount for the improvement of the same, and contract for the execution of the work was actually given;

(*c*) if the answer to part (*b*) is in the affirmative, whether it is true that the work has been left to wait for want of funds; and

(*d*) whether the Government have received any representation from the public pressing upon their attention the urgency of this work?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : (*a*), (*b*) &(*c*). As the condition of the Sub-Registry Office building was not satisfactory, sanction was accorded to its being improved and the improvement works are now being carried on by the P. W. D. There is no separate clients shed attached to the Sub-Registry Office.

Employees in the Electrical Department.

105. ***Mr. Tariatu Kunjitomman** : Will the Government be pleased to lay on the table a statement, by caste, of employees in the electrical Department drawing a pay of over Rs. 30?

Mr. K. Madhava Kurup : The statement* is laid on the table.

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* *Vide* Appendix VIII— page 340.

Appendix I.

***Vide* Answer to Question No. 79.**

Statement showing the number of copies of the newspapers subscribed for by Government and the departments.

	Hindu.	Madras Mail.	Malayala Manorama.	Malayala Rajyam.	Malayali.	Kerala Kesari.	Bharata Patrika.	Dakshina Bharati.	Latin Christian.	Service.	Nazrani Deepika.	Nava Bharati.	Chitra Desom.
Government	6	4	4	4	4	3	3	3	2	2	3	3	2
Education Department	5	2	18	41	1	...	...	...	..	..	..	..	..
Guests Do.	..	1	...	...	...	...	...	...	..	..	..	..	..
Land Revenue Do.	..	..	...	...	...	...	...	...	..	..	..	..	..
Government Photographic Department	..	..	...	...	...	...	...	...	..	..	..	..	..
Medical Department	..	..	...	...	...	...	...	...	..	..	..	..	..
Excise Do.	..	..	...	...	...	...	...	...	..	..	..	..	..
Industries Do.	..	..	...	...	...	...	...	...	..	..	..	..	..
P. W. Do.	..	1	...	...	...	...	...	...	..	..	..	..	..
Law College	..	1	...	...	...	...	...	...	..	..	..	..	..
Anchal Department	..	..	...	...	...	...	...	...	..	..	..	..	..
Department of the Government Metereologist	..	..	...	...	...	...	...	...	..	..	..	..	..
The Police Department	1	..	...	...	...	...	...	...	..	..	..	..	..
Public Health Department	1	..	...	...	...	...	...	...	..	..	..	..	..
Marine	..	..	...	...	...	...	...	...	..	..	..	..	..
Army	..	..	...	...	...	...	...	...	..	..	..	..	..
Electrical Department	..	..	...	...	...	...	...	...	..	..	..	..	..
Government Astronomer	1	..	...	...	...	...	...	...	..	..	..	..	..
Ayurveda College	..	..	...	...	...	...	...	...	..	..	..	..	..

Appendix I—(*contd.*)

	Hindu	Madras Mail	Malayala Manorama	Malayala Rajyam	Malayali	Kerala Kesari	Bharata Patrika	Dakshira Bharati	Latin Christian	Service	Nazrani Deepika	Nava Bharati	Chitra Desom
Devaswom Department	..	..	..	..	..	..	..	..	..	..	..	..	..
Water Works Do.	..	..	..	..	..	..	..	..	..	..	..	..	..
Addl. Head Sirkar Vakils' Office	..	1	..	..	..	..	..	..	..	..	..	..	..
Public Library	2	1	1	2	2	1	1	..	..	..	..	..	..
Central Prison	..	..	..	..	..	..	..	..	..	..	..	..	..
Office of the Inspector of Ayurveda	..	..	..	..	..	..	..	..	..	..	..	..	..
Government Press	..	..	..	..	..	..	..	..	..	..	..	..	..
Public Health Laboratory	..	..	..	..	..	..	..	..	..	..	..	..	..
Museum and Public Gardens	..	..	..	..	..	..	..	..	..	..	..	..	..
Maramat Department	..	..	..	..	..	..	..	..	..	..	..	..	..
Department of the Registrar of Co-operative Societies	1	..	..	..	..	..	..	..	..	..	..	..	..
Do. Registrar of Joint Stock Companies	..	..	..	..	..	..	..	..	..	..	..	..	..
Public Service Commissioners' Office	..	..	..	..	..	..	..	..	..	..	..	..	..
Economic Development Board	1	..	..	..	..	..	..	..	..	..	..	..	..
Registration Department	..	..	..	..	..	..	..	..	..	..	..	..	..
Department of Agriculture and Fisheries	..	..	..	..	..	..	..	..	..	..	..	..	..
Archaeological Department	..	..	..	..	..	..	..	..	..	..	..	..	..
Office of the Game Warden	..	..	..	..	..	..	..	..	..	..	..	..	..
Department for the publication of Oriental Manuscripts	..	..	..	..	..	..	..	..	..	..	..	..	..
Total	18	11	23	47	7	4	4	3	2	2	3	3	2

Appendix II.

Vide Answer to Question No. 84.

Statement showing the expenditure on improvements and maintenance of Irrigation *thodus* (canals) in Neyyattinkara taluk—works or Restoration.

Item No.	Name of work.	Expenditure.	
		1110	1111
1	Improvements to Vilavurkal thodu in Vilappil pakuthi Neyyattinkara taluk ...	267	...
2	Closing breaches in Perumkadavila thodu, Perumkadavila pakuthi ...	—25	2
3	Rain damages of 10/08—Closing breaches in Maruthur thodu ...	209	—23
4	Do. of 1108 and 1109 in Perumkadavila thodu Perumkadavila pakuthi ...	...	82
5	Do. of 10/08 Closing breaches in Kulathoor thodu ..	236	...
6	Do. Do. Constructing a surplus at site of breach No. I in Perumkadavila thodu ...	372	...
7	Closing breaches in Vembakal thodu in Athiyannur pakuthi ...	438	1
8	Closing breaches and restoring Perumpazhathoor thodu ...	187	..
9	Rain damages of 10/08—Closing breaches in Perumpazhathoor thodu—constructing spill-ways ...	1793	159
10	Improvements to Manikal thodu ...	23	...
11	Rain damages of 1/08 in Neyyattinkara taluk		
	1. Kottukkal channel ...	...	...
	2. Maruthoor thodu ...	178	...
	& 3. Mudavapara thodu ...	...	83
12	Rain damages in Kizhambhagom yelah and culvert and Vandiyoor chirakal in Chengal pakuthi ...	...	372
13	Rain damages of 11/08 in Mudavapara thodu ...	...	1432
14	Repairs to rain damages of 1108—Closing breaches in Kulathoor thodu below Venkulam ...	...	264
15	Rain damages of 3/10 Closing breaches in Kulathoor thodu below Ayirayil tank ...	...	265
16	Rain damages of 10/11 Closing breaches on the right side of Mudavapara thodu in S. No. 275/29 & 32 .	...	365
	MAINTENANCE.		
1	Marathoor thodu ...	199	136
2	Kulathoor thodu ...	132	116
3	Kottukal channel ...	93	343
4	Mudavapara thodu ...	303	320
5	Vellayani sluice ...	69	90
6	Korandikara sluice ...	12	47
7	Thozhukal sluice. ...	23	32

Appendix III.

Vide Answer to Question No. 90,

Statement, by caste, of officers in the Excise Department drawing a pay of Rs 50 and over.

I. Hindus.			
	1 Brahmins	...	18
	2 Nayars	...	39
	3 Other Caste Hindus	...	5
	4 Kammalas	...	Nil.
	5 Nadars	...	Nil.
	6 Ezhavas	...	6
	7 Pulayas	...	Nil.
	8 Other Hindus	...	Nil.
II. Muslims		...	3
III. Christians.			
	1 Jacobite	...	2
	2 Marthomite	...	2
	3 Syriac Catholic	...	4
	4 Latin Catholic	...	2
	5 South India United Church	...	1
	6 Other Christians	...	4

Appendix IV.

***Vide* Answer to Question No. 91.**

Annual percentage of passes of students.—Arts College.

Percentage of passes.

Year.	B. A. (Hons.) Final.		B. A. (Hons.) Preliminary.	B. A. Pass.		Intermediate.
1100	History	100	..	Whole Examination	53	40
	English	100			..	
1101	History	100	..	Part I English	64	40
	English	67		Do. II Optionals	75·6	
1102	History	78·5	..	Do. I English	48	42
	English	62·5		Do. II Optionals	64·5	
1103	History	100	..	Do I English	46	51
	English	80		Do. II Optionals	70	
1104	History	82	74	Do. I English	57	40
	English	67		Do. II Optionals	47	
1105	History	75	67	Whole Examination	50	32
	English	86		Part I English	68	
				Do. II Optionals	62·7	
1106	History	93	85·7	Whole Examination	14·5	27·6
	English	66·6		Part I English	30·3	
				Do. II Second Language	63	
				Do. III Optionals	50	
1107	History	100	66·6	Whole Examination	37 2	46·8
	English	77·7		Part I English	64·9	
				Do. II Second Language	81·5	
				Do. III Optionals	65	
1108	History	93	71·4	Whole Examination	42·8	40·9
	English	87·5		Part I English	50	
				Do. II Second Language	92	
				Do. III Optionals	72·4	
1109	History	90	90	Whole Examination	45·5	34·7
	English	83·3		Part I English	67·4	
				Do. II Second Language	69·3	
				Do. III Optionals	68	
1110	History	80	66·6	Whole Examination	33·3	32·5
	English	85·7		Part I English	56·1	
				Do. II Second Language	70·5	
				Do. III Optionals	55·7	
1111	History	100	54·5	Whole Examination	35·7	26·1
	English	80		Part I English	59·1	
				Do. II Second Language	66·4	
				Do. III Optionals	50	

Appendix IV.—(*contd.*)

Annual percentage of passes of students.—Science College.
Percentage of passes.

Year	B. A. (Hons) Final.	(B. A. Hons) Preliminary.	B. A. Pass.		Inter-mediate.
1100	..	..	Part I 63·4		52·8
			,, II Gr. I	83·3	
			II A	50·0	
			,, II B	53·2	
1101	..	83·3	Part I 74·6		46·6
			,, II Gr.	67·6	
			,, II A ,,	61·1	
			,, II B ,,	33·3	
			,, III A ,,	70	
1102	..	94·7	,, I 50·9		30·1
			,, II Gr. I	52·3	
			,, Gr. II A	60·0	
			,, Gr. II B	41·0	
			,, Gr. III A	86·6	
1103	100*	70·0	Part I	46·7	45.6
			,, II Gr. I	48·8	
			,, II A	72·7	
			,, II B	65·3	
			,, III A	60·7	
1104	88·9	100	Part I	66.9	35·6
			,, II Gr. I	56·7	
			,, Gr. II A	45·0	
			,, Gr. II B	68·7	
			,, Gr. III A	87·5	
1105	100	75·0	Part I	70·6	40·7
			,, II Gr I	46·6	
			,, II A	67·7	
			,, II B	60·9	
			,, III A	57·6	
1106	100	61·5	Part I	29·9	43·7
			,, II Gr. I	50·0	
			,, III I B	68·4	
			,, II B	30·7	
			,, II C	73·6	
			,, II D	642	
1107	100	86·6	Part I	59·7	32·9
			,, II	82·8	
			,, III I B	41·4	
			II B	47·4	
			II C	57·5	
			II D	60·0	
1108	83·3	63·6	Part I	55·8	34·6
			,, II	77·0	
			,, II I B	69·7	
			,, II B	47·5	
			,, II C	65·8	
			,, II D	74·1	
			II E	96·3	
1109	78·6	58·30	37·3 per cent. *		30·6
1110	100	91·7	40·2 per cent. *		42·8
1111	100	93·75	32·5 per cent. *		42·1

* Held for the first time.

* Percentage of passes of whole examination.

Appendix V.

Vide Answer to Question No. 101.

Cast-war statement of Officers drawing Rs. 100 and above in the Secretariat.

Hindu

1.	Brahmin	...	12
2.	Nayar	...	15
3.	Other caste Hindus	...	,,
4.	Kammala	...	,,
5.	Nadar	...	,,
6.	Ezhava	...	,,
7.	Cheramar	...	,,
8.	Other Hindu	...	,,

Muslim

Christian

1.	Jacobite	...	,,
2.	Marthomite	...	,,
3,	Syriac Catholic	...	,,
4.	Lain Catholic	...	,,
5.	South India United Church	...	1
5.	Other Christian	...	1

Appendix VI

***Vide* Answer to Question No. 02**

List of irrigation works in Neyyattinkara taluk budgetted for during 1112 M. E.

S. No.	Name of work.	Allot-ment for 1112.	Expendi-ture in 1112 to end of 3/1112.	Remarks.
	OLD WORKS.	Rs.	Rs.	
1	Improvements to Marukil thodu, Neyyattinkara taluk .	2,500	..	The estimate is pending revision.
2	Improvements to Madukalkulam in Kollayil pakuthi, Neyyattinkara taluk .	500	32	Balance works being taken up.
3	Improvements to Marthandamkulam in S. No. 94/9A Kottukal pakuthi, Neyyattinkara taluk .	1,600	..	Pending acquisition of land
4	Improvements to Ayanthithalakulam in Neyyattinkara pakuthi, Neyyattinkara taluk .	900	..	Some works done in 1111. Lands to be acquired to complete the work.
5	Rain damages of 108—closing breaches in Perumpazhathur thodu Neyyattinkara taluk—Constructing spilways .	1,000	37	Balance works resumed on 8-4-1112 are in progress.
6	Rain damages of 10/08 in Kattaachakulam in Thiruvallam pakuthi, Neyyattinkara taluk .	15	..	Work completed in 1111 but balance payment is to be made.
	NEW WORKS.			
7	Improvements to Ezhankulam in Neyyatiinkara pakuthi, Neyyattiukara taluk .	900	15	Work arranged for.
8	Opening an outlet channel to the sea through Karichal kayal in Kottukal pakuthi, Neyyattinkara taluk .	8,700	..	Estimate not sanctioned.
9	Repairing rain damages in Mullalikonathukulam in Neyyatinkara pakuthi, Neyyattiukara taluk .	600	..	Work arranged for.
10	Rain damages in Nedumkulam surplus kal in Kollayil pakuthi Neyyattinkara taluk .	900	..	Work arranged for.
	Total .	17,615	84	

Appendix VII.

Vide Answer to Question No. 103.

Statement, by caste, of Second and Third Class Magistrates recruited during the last three years.

Hindus.			
	Brahmin	...	2
	Nayar	...	5
	Other Caste Hindu	...	2
	Kammala	...	,,
	Nadar	...	,,
	Ezhava	...	1
	Cheramar	...	,,
	Other Hindu	...	,,
Muslim.		...	1
Christians.			
	Jacobite	...	,,
	Marthomite	...	1
	Syriac Catholic	.	,,
	South India United Church	...	2
	Other Christian	...	,,

Appendix VIII.

Vide Answer to Question No. 105.

Statement by caste, of employees in Electrical Department drawing a pay of over Rs. 30.

A. *Hindu*:			
	Brahmin	..	9
	Nayar	...	32
	Other caste Hindu	...	6
	Nadar	...	2
	Ezhava	..	4
	Other Hindu	...	2
B. *Muslim*		...	1
C. *Christian*:			
	Marthomite	...	11
	Jacobite	...	7
	Syriac Catholic	...	2
	Latin Catholic	...	3
	Other Christian	...	5
			84

Mr. M. N. Paramesvaran Pillai: Sir I wish to make a statement. I had been sending up some questions almost from the very beginning of this Reformed Council and, although I used to repeat them at every session, they have not been answered till now. Perhaps, we may have only one more sitting of this Council. I trust that you will kindly make arrangements for the answering of those questions at the next sitting of the Council.

President: That matter will be noted.

THE TRAVANCORE COMPENSATION FOR IMPROVEMENTS BILL.

President: The Council will now proceed with legislative business and the consideration of the Travancore Compensation for Improvements Bill. I am informed that Mr. E. P. Varghese was speaking when the House rose last time.

Mr. E. P. Varghese: Sir, I have been referring to the various defects in the Bill. My objections are twelve in number. The first is about the definition of the word 'improvements' and I have dealt with it. The second is about the denial of compensation for improvements to the trespassers. The third is about the definition of the class of trees known as 'trees of spontaneous growth'. The fourth is about the provision in the Bill for giving compensation for improvements. The fifth is about the calculation of improvements in the case of cocoanut trees; that is, $8\frac{1}{3}$ years' purchase value. Then about the provision made for droppings from the bearing cocoanut trees. The seventh objection is about the provision giving only 3/4th of the value of non-bearing trees which are over a year old. The eighth objection is about the provision for the value of improvements of pepper vines. The ninth objection is about the appointment of assessors for determining the value of compensation. The tenth objection is about the provision for getting the permission of courts for making improvements after the date of the decree, the eleventh is about the provision with regard to the local customs and the twelfth is about the retrospective character which is in other words expropriatory.

I have been dealing with the indefiniteness of the Bill as a whole. We legislate for the purpose of making the law clear and definite. But what we find here is a Bill which leaves many things for evidence and leaves a lot to be made clear in the course of litigation. It does not improve the situation from what it is now. For example, about the definition of the term "improvement". In the definition it is said "... ... ... it must be suited to the holding"

[Mr. E. P. Varghese.]

That will be a chief bone of contention between the landholder and the tenant. What appears suitable to the landholder may not appear suitable to the tenant and the result will be a prolonged litigation. Then the perpetuation of the local customs which is contained in Section 4 (ā). The value of the improvements, in spite of the Bill, calculated only according to the local custom will be given. Then in the case of droppings also there is nothing definite in this Bill about the percentage to be deducted. It says not less than 1/3. It is very vague. Section 8 devotes to the fragmentation of holdings into needless plots. It is also vague. It is therefore left to the court to decide whether a particular wall dividing the plot is necessary or not. When the holder divides the plot the landlord will say that it is needless especially when he has to pay for it. These are the points about the indefiniteness of the Bill. A few other points also remain to be dealt with. Of the objections which I have mentioned the denial of the value of improvements to the trespasser is against the current decisions of our courts. Trees of spontaneous growth are, according to the definition, the trees which are not assessed during the last Settlement. It is against the trend of the decisions of the High Court. The provision that the value of compensation for the conversion of paddy lands should be in accordance with the permission of the owner or the Jenmi is also against the trend of decisions of the High Court. Then, about the question of droppings, not less than 1/3 is deducted in the droppings of cocoanut trees. It is also against the trend of the decisions of the High Court.

Mr. K. P. Nilakanta Pillai : May I know whether there is any uniformity in the trend of decisions of the High Court on these points.

Mr. E. P. Varghese : On some of the points there is no uniformity. It is not possible to have a uniform trend of decisions. The question of droppings depends upon the locality and the nature of the soil.

Mr. K. P. Nilakanta Pillai: In that case may I know whether the argument developed by my honourable friend is not fanciful ?

Mr. E. P. Varghese: The point is that the Bill is attempting to legislate on a matter which it is not possible to legislate. It has not been possible for even the honourable High Court to fix this ratio of 'not less than 1/3' or otherwise. In some cases, the droppings fall much below 1/4 ; while in some other places it will be more than half. In the case of non-bearing trees our High Court has been allowing full value but this Bill provides for a reduction of 1/4 in the case of trees which are more than one year's growth.

That is also the trend of the decisions of the High Court. Our High Court has been uniformly allowing value of improvements after the date of the decree till the date of the delivery. That used to be determined at the time of the delivery by the execution court. Here, there is a complicating provision. You will have to apply to the court if you have to make improvements after the decree and get its permission. In short, there are six provisions in the Bill which are against the rulings of the High Court.

Mr. K. P. Nilakanta Pillai: May I know one provision of the Bill which is against the ruling of the High Court?

Mr. E. P. Varghese: Yes. In the question of granting of value of improvements to the trespassers.

Mr. K. P. Nilakanta Pillai: What kind of trespassers?

Mr. E P. Varghese: The Act has been allowing compensation to any trespassers so long as......

Mr. K. P. Nilakanta Pillai: May I know whether the honourable member is dealing with civil trespassers or criminal trespassers?

Mr. M. N. Paramesvaran Pillai: May I know whether the trespassers who encroach upon Government lands are also included in the Bill?

Mr. E. P. Varghese: I think the Government have fixed a period. If improvements are made after that period they will not be given compensation. Before that the High Court and other subordinate courts have ordered that compensation should be given to even trespassers on Government lands.

Mr. M. Govindan: May I know whether the fruit-bearing trees are not classed under this and whether the courts have not been awarding full compensation hitherto?

Mr. E. P. Varghese: I was only just pointing out one instance of deviation, the case of the trespassers. There are many other provisions which are not in accordance with the rulings of the High Court and which require suitable amendments. In the case of non-bearing trees, hitherto a uniform rate of value for improvements was given. But this Bill makes a reduction for trees which are more than one year old.

Then, Sir, when we legislate on such matters we must do it with a progressive view. The trend of other similar legislation was fully justifying this progressive view; for example, the Jenmi and Kudiyan Regulation. What we find here, in the case of this Bill is that it is not at all a progressive one but tries to perpetuate the evils.

. . . .

Mr. K. P. Nilakanta Pillai: May I know whether my honourable friend has any objection in evicting criminal trespassers?

Mr. E. P. Varghese: I have no objection.

Mr. K. P. Nilakanta Pillai: May I know whether the civil trespassers are not entitled to improvement?

Mr. E. P. Varghese: He is at times entitled and at times not entitled. There are so many conditions...

Mr. K. P. Nilakanta Pillai: What is the harm in fixing 8 1/3 years' purchase value?

Mr. E. P. Varghese: No doubt, this is a system which has been in practice for a long time in our courts. It does not seem to be quite reasonable and just, because when we purchase land we do not expect 12 per cent return from it. On the other hand the highest return that we expect is only 6 per cent from the land. But when a Jenmi goes and evicts a lessee the Jenmi wants that there should be a 12 per cent return for the money he pays towards the value of compensation. This has been the trend of the rulings. I want to point out that the originator of the Bill himself wanted to have it at 16 2/3 years' purchase value. That was just and fair. Our High Court is very reluctant to deviate from their decisions. My appeal to this House is that if it wants to legislate on this matter, it should do so for the benefit of the tenants and it should be a progressive piece of legislation. We must look to the justice of the whole case and should see whether after all we could get from land a return at 12 per cent for the money invested. There is no such land in Travancore.

Mr. Kayalam Paramesvaran Pillai: May I know whether the trend of the decisions of the High Court was unjust in respect to this?

Mr. E. P. Varghese: Yes. The trend of the decisions was unjust, rather unfair and incorrect.

Mr. G. Narayana Aiyar: Was there any protest raised against the decisions?

Mr. E. P. Varghese: There was no protest against the rulings and there was no demand for this Bill. Such is the peculiar nature of the public opinion. There has been no agitation for any Bill or against any ruling.

Mr. M. Govindan: May I know whether there was not a time when land yielded 12 per cent interest?

Mr. E. P. Varghese: Before intensive cultivation and the abnormal increase of population the return from land might have been 12 per cent. Probably in those days the judges thought that

it was necessary to give 8 1/3 years' purchase value. I found a case reported from a decision of the Nagercoil Court in which that Court said that 16 2/3 must be the basis.

Mr. K. P. Nilakanta Pillai What is the ruling from Nagercoil?

Mr. E. P. Varghese: It was not a ruling from Nagercoil but a judgment of theNagercoil District Judge. It was a case from Nagercoil in which our High Court passed the final judgment.

Mr. N. Ramakrishna Pillai: May I know the decision of the High Court and may I know where it is reported?

Mr. E. P. Varghese: I will take time to refer to the books to give the details of the rulings of the Court.

President: After all, if the honourable member thinks that he cannot answer he can proceed with the discussion

Mr. E. P. Varghese: I will take some time to find out the rulings. I am only discussing the general principles.

President: In that case, go on.

Mr. E. P. Varghese: In the case of pepper vines I was saying that our High Court have been allowing only 3 1/2 years' purchase value in giving compensation. When we legislate, it is not enough that we simply follow the rulings of the High Court whether they are suitable or not to modern conditions.

Mr. G. Narayana Aiyar: May I know whether any labour is involved in the cultivation of pepper vines?

Mr. E. P. Varghese: Yes, they have to be watered, otherwise they will dry up.

Mr. G. Narayana Aiyar: How long have they to be watered?

Mr. E. P. Varghese: When they are young.

Mr. G. Narayana Aiyar: For how many months?

Mr. E. P. Varghese: During the summer season.

Mr. G. Narayana Aiyar: For how long is it?

Mr. E. P. Varghese: For three months.

Mr. G. Narayana Aiyar: Are they to be watered for one year only or for years together?

Mr. E. P. Varghese: They have to be cared for some years, say for three or four years.

Mr. M. N. Paramesvaran Pillai: May I know whether pepper vines are cultivated in Shertallai?

Mr. E. P. Varghese: Yes, they are. Sir, cocoanut trees also have to be watered during 3 months of the year in my taluk.

Sir, many kinds of trees subsequently found out to be of great use are also deprived of the value of improvement, *e. g.*, rubber trees, cardamoms, tea plants and mango trees. No provision is made for awarding them the value of improvements in this Bill. The reason is that mango was not assessed in the last Settlement, and so mango trees will go without any compensation. But it will be seen that the High Court was giving compensation in all these cases. There is provision for the Civil Court to find out the timber value or the fuel value of trees. But the Bill says that only in the case of trees which have been assessed at the last Settlement, compensation will be given.

Mr. M. Govindan: May I know whether tamarind trees are valued as fruit trees in Travancore?

Mr. E. P. Varghese: Yes, they are.

There are many useful trees for which our High Court has been giving compensation. Even our *elavu* is now being planted on an extensive scale for making tea-chests. So it is being reared and it is becoming costly now. Like that, we find ever so many trees such as the tamarind, portia, and laurel in respect of which the value of improvements has been given by our High Court. There was a time when rubber tree was not supposed to be so valuable as it is now. So it was not then included in the assessment

Mr. G. Narayana Aiyar: May I know the locality in which *kodappana* and tamarind trees are valued as trees for improvement.

Mr. E. P. Varghese: I can give the ruling of the High Court in which *kodappana* is given improvement. I refer to 3 T. L. T. 135, short notes, Kolappa Pillai 278 and 19 T. L. J. 156. These are the rulings in regard to *kodappana*.

Mr. M. N. Paramesvaran Pillai: Will not some trees be of wild growth in certain places?

Mr. E. P. Varghese: May be. Even in that case no provision is made regarding trees of wild growth in this Bill.

Mr. M. N. Paramesvaran Pillai: Then the honourable member can make suitable amendments.

Mr. E. P. Varghese: Yes. There are fourteen Sections in this Bill and twelve need recasting. So it is better for this House to throw it out. If Government consider it necessary to bring a Bill, let them bring another properly considered and better drafted.

Mr. Komilezhathu Sankaran: May I point out that there is no such emergency, as in the case of the Agriculturists Relief Bill, to bring in legislation?

Mr. E. P. Varghese: I have stated that there is no agitation for any Bill on improvements.

Mr. M. Govindan: Does the member know that there is nothing of a saving clause in the Bill but that there is much injury?

Mr. M. N. Paramesvaran Pillai: Sir, is it a question? It is a matter of opinion.

President: I have not till now interfered with the flow of questions which interrupted Mr. Varghese's speech. If the honourable members have doubts, they can put them forward before the House in the course of their speeches.

Mr. E. P. Varghese: I may conclude my remarks, as I had already dealt with 9 out of the 12 objections on the prior occasion. This House must remember that we are not legislating for any community. This is a piece of legislation which affects a very large number of people of Travancore. So we should be very careful in seeing that only a progressive piece of legislation, which will be to the best interests of a vast majority of people in this State is passed. Merely because it is placed before the House, we should not spare any pains in looking carefully into this Bill. But this is a Bill which is incapable of being amended. It is to be redrafted completely. So it is better, in my opinion, to throw out this Bill and leave it to the discretion of the Government, if they think necessary, to bring in a properly redrafted Bill. This is a private Bill. If Government had drafted it, I don't think, these provisions would have been in it as they are now.

Mr. Tariatu Kunjitomman: സർ, എന്റെ മാന്യസ്നേഹിതൻ പണ്ഡിതനായ മി. രാമകൃഷ്ണപിള്ള ഇവിടെ കൊണ്ടുവന്നിട്ടുള്ള ബില്ലിനെ എതൃക്കേണ്ടിവന്നതിൽ എനിക്കതിയായ മനസ്താപമുണ്ടു്. ഈ സ്റ്റേറ്റിന്റെ ഉത്തമതാൽപര്യങ്ങളിൽ സർവപ്രധാനമായതു് കാർഷികപരിശ്രമങ്ങളെ പരിരക്ഷിച്ചു് രാജ്യത്തിനു് ഐശ്വര്യത്തെ ഉണ്ടാക്കുക എന്നുള്ളതാണു്. ഈ ബിൽ പാസ്സാകുന്നതുകൊണ്ടു് അതിനു സാരമായ പ്രതിബന്ധം വരുമെന്നുള്ളതുകൊണ്ടാണു് എനിക്കിതിനെ എതൃക്കേണ്ടിവന്നതു്. സൃഷ്ടിപരമായ പ്രവർത്തനങ്ങളെ പ്രോത്സാഹിപ്പിക്കുകയെന്നുള്ളതു് പൗരസഞ്ചയത്തിന്റെ ഗുണത്തിനും രാജ്യത്തിന്റെ ക്ഷേമത്തിനും അത്യാവശ്യമായിട്ടുള്ളതാകുന്നു. എല്ലാ രാജ്യങ്ങളിലും സൃഷ്ടിപരമായ കാർഷികപ്രവർത്തനങ്ങളെ പോഷിപ്പിച്ചുകൊണ്ടിരിക്കുന്ന ഒരു കാലമാണിതു്. അതിൽനിന്നും ഒഴിഞ്ഞുനിൽക്കാൻ ഒരു കർഷകരാജ്യമായ തിരുവിതാംകൂറിനു സാധ്യമല്ല. ഈ ബിൽ പാസ്സായാൽ തിരുവിതാംകൂർ ലോകദൃഷ്ടിയിൽ ഒരു ആക്ഷേപപാത്രമായി ഭവിക്കും.

Mr. M. P. Madhavan Pillai (*Tiruvalla* cum *Pathanamtitta*): ഇന്നു ദേഹണ്ഡംകൊടുക്കുന്ന തുക വസ്തുവിന്റെ തീറുവിലയെക്കാൾ കൂടുതലാണെന്നു മെമ്പർക്കറിയാമോ?

Mr. Tariatu Kunjitomman : ഒരിക്കലുമില്ല. തീറുവിലയെക്കാൾ കൂടുതൽ ദേഹണ്ഡവില കൊടുക്കണമെന്നുണ്ടെങ്കിൽ അവക്കു ആ വസ്തു ഒഴിപ്പിക്കാതെതന്നെ വേറെ വസ്തുക്കൾ വാങ്ങിക്കാമല്ലോ. അതുകൊണ്ട് തീറുവിലയേക്കാൾ കുറവായ ദേഹണ്ഡവിലയാണു കൊടുത്തുവരുന്നതു് എന്നുള്ളതു പ്രത്യക്ഷമാണ്. അദ്ധ്വാനികൾക്ക് വിപരീതമായ ഒരു നിയമം പാസ്സാക്കുന്നതു് ഈ സഭക്കു ഒരിക്കലും ഭൂഷണമല്ല. പുരോഗമിച്ചുകൊണ്ടിരിക്കുന്നതായ ഒരു രാജ്യത്തിനു് യോജിക്കാത്തതായ നിയമങ്ങൾ പാസ്സാക്കാൻ തുടങ്ങുമ്പോൾ അതിനെ സകല ശക്തികളും ഉപയോഗിച്ചു് എതിർക്കേണ്ടതു് പൌരധർമ്മമാണ്. സ്വസ്ഥവൃത്തിയിൽ കഴിഞ്ഞുകൂടുന്ന അലസന്മാരായ ജന്മിമാരെ പ്രോത്സാഹിപ്പിയ്ക്കുകയും, വയലിലും പുരയിടത്തിലും നിന്നു് അദ്ധ്വാനംചെയ്തു് രാജ്യത്തെ ഐശ്വര്യഭൂയിഷ്ഠമാക്കിത്തീർക്കുന്ന യഥാർത്ഥകർഷകരെ അധഃപതിപ്പിക്കുകയും ചെയ്യുന്നതിനു പര്യാപ്തമായ ഈ നിയമത്തെ എങ്ങനെ അനുകൂലിക്കാൻ കഴിയും? ഇവിടെ അവർക്കു് സ്ഥാനമില്ല. അവർ നികുതിദായകന്മാരല്ലാത്തതുകൊണ്ട് അവരെ പ്രതിനിധീകരിക്കാൻ ഇവിടെ ആരെയും തെരഞ്ഞെടുത്തിട്ടില്ല. "ദുർബലസ്യ ബലം രാജാ" എന്ന മഹത്‌വാക്യമനുസരിച്ചു് അവരെ രക്ഷിക്കേണ്ടതു് ഗവണ്മെന്റിന്റെ ഒരു ഒഴിച്ചുകൂടാൻവയ്യാത്ത കടമയാകുന്നു. എന്നാൽ ഈ ദേഹണ്ഡക്കാരായ കർഷകർ നികുതിദായകരല്ല എന്നു ഖണ്ഡിച്ചു് പറയുവാനും നിവൃത്തിയില്ല. ഈ രാജ്യത്തെ സകല ഐശ്വര്യങ്ങളുടെയും അസ്ഥിവാരം ഇവരിലാണു സ്ഥിതിചെയ്യുന്നതു്. ഗവണ്മെന്റിന്റെ ഭണ്ഡാഗാരത്തെ പോഷിപ്പിക്കുന്നതും ഇവരത്രേ. ഭൂനികുതിയല്ലാതെ ൪൦ ലക്ഷം രൂപായോളംവരുന്ന ഒരു നികുതി നമ്മുടെ രാജ്യത്തുണ്ടു്. ആ വരുമാനം നിലങ്ങൾ ഉഴുതും പുരയിടങ്ങൾ കിളച്ചും കാർഷികവൃന്ദമാണു കൊടുക്കുന്നതു്. ഞാൻ പറഞ്ഞതു കയറ്റുമതിത്തീരുവയെപ്പറ്റിയാണ്. ചുക്കു, കുരുമുളകു്, തേങ്ങാ, റബ്ബർ ഇവക്കെല്ലാം കയറ്റുമതിത്തീരുവയുണ്ടു. അതു് ഭൂമിയുടമസ്ഥന്മാരിൽനിന്നുമല്ല കിട്ടുന്നതു്.

മനോഹരമായ വൃക്ഷലതാദികളാൽ നിബദ്ധമായതും, സൌകര്യമായ ഭൂപ്രകൃതിയോടുകൂടിയതുമായ ഈ രാജ്യത്തിനു ഇൻഡ്യയുടെ ആരാ

മമെന്ന പ്രശസ്തനാമത്തെ അന്വർത്ഥമാക്കി അനേകം വിദേശികളെ ആകർഷിക്കത്തക്കവണ്ണം പരിരക്ഷിച്ചുകൊണ്ടിരിക്കുന്നതു് ഈ രാജ്യത്തെ കർഷകവൃന്ദമാണെന്നുള്ളതു് ആർക്കും വിസമ്മതിക്കാവുന്ന ഒന്നല്ല. അവരെ നിരാശാഭരിതരാക്കി അവരുടെ സ്ഥലങ്ങളെ ഉപേക്ഷിച്ചു് റോഡിൽ അലഞ്ഞുതിരിയിപ്പാനിടവരുത്തുന്ന ഒരു പദ്ധതിയാണു് ഇപ്പോൾ ഇവിടെ കൊണ്ടുവന്നിട്ടുള്ള ബില്ലിൽ അന്തർഭവിച്ചിരിക്കുന്നതു്. ഇവിടത്തെ വനങ്ങളിൽ ഘോരസർപ്പങ്ങളും ക്രൂരജന്തുക്കളും പാർക്കുന്നു. അവയെപ്പോലും സ്വച്ഛന്ദമായി താമസിക്കുന്നതിനു അനുവദിച്ചിട്ടു് ഈ രാജ്യത്തെ ഐശ്വര്യപ്രദമാക്കിത്തീർക്കുന്നതിനു് അക്ഷീണം അദ്ധ്വാനിക്കുന്ന കർഷകവൃന്ദങ്ങളെ-സാധുദേഹണ്ഡികളെ-അവരുടെ വാസസ്ഥലത്തുനിന്നും അടിച്ചു പുറത്താക്കുക എന്നുവന്നാൽ അതു് എത്രയോ പരിതാപകരമായിരിക്കും. ഇവിടത്തെ ഭണ്ഡാഗാരം പോഷിപ്പിക്കുന്ന സാധുക്കൾക്കു വാസസ്ഥലംകൊടുത്തു് അവരെ പരിരക്ഷിക്കാൻ ഗവണ്മെന്റിനു സാധിക്കുന്നില്ലെങ്കിൽ അതിനെക്കാൾ ലജ്ജനീയമായ ഒരു സംഗതി ഈ ധർമ്മരാജ്യത്തു വരുവാനുണ്ടോ?

ഈ ബില്ലിലെ ഓരോ വകുപ്പും അലസന്മാരായ ജന്മികളെ പ്രോത്സാഹിപ്പിക്കുന്നതും, അദ്ധ്വാനികളായ കർഷകരെ നിസ്സഹായരാക്കുന്നതുമാണു്. ഇതിലെ മൂന്നാം വകുപ്പുതന്നെ വളരെ ഭയങ്കരമായിരിക്കുന്നു. കാരണപ്രകാരമുള്ള ദേഹണ്ഡങ്ങൾക്കു പ്രതിഫലം കിട്ടുമെന്നു വിശ്വസിച്ചാണു് അനേകായിരം കൃഷിക്കാർ ഭൂമിയിൽ ദേഹണ്ഡം ചെയ്യുന്നതു്. ഇങ്ങനെയിരിക്കുമ്പോൾ കാരണമില്ലാത്ത ദേഹണ്ഡങ്ങൾക്കു വിലകൊടുക്കുകയില്ലെന്നു പറയുകയാണെങ്കിൽ അതു വളരെ സങ്കടകരമായിരിക്കും. അതുപോലെതന്നെ ഗവണ്മെന്റു കരം പതിച്ചിട്ടില്ലാത്ത വൃക്ഷങ്ങൾക്കും ദേഹണ്ഡം കൊടുക്കുകയില്ലെന്നു പറയുന്നു. റബ്ബർ, ആഞ്ഞിലി, മാവു മുതലായവ കരം പതിച്ചിട്ടില്ലാത്ത വൃക്ഷങ്ങളാണു്. ഇവക്കും ദേഹണ്ഡം കൊടുക്കുകയില്ലെന്നു പറയുന്നതു് ന്യായമായിരിക്കുമോ? ഇഷ്ടസിദ്ധിക്കാണു കർമ്മം ചെയ്യുന്നതു്. അതിന്റെ ഫലം അനിഷ്ടമായാൽ എന്താണു ചെയ്യുക? കർഷകരെ ഏതാണ്ടു് ആശ്വസിപ്പിക്കുന്ന ഒരു നിയമം നാം പാസ്സാക്കിക്കഴിഞ്ഞു. ആ ആനുകൂല്യത്തെ നശിപ്പിക്കുന്ന തരത്തിലുള്ള ഒരു നിയമമാണിതു്. വലത്തു കൈകൊണ്ടു കൊടുത്തതിനെ ഇടത്തുകൈകൊണ്ടു് തിരിച്ചെടുക്കുക എന്നുള്ളതു എത്ര പരിതാപകരമായിരിക്കും? ലോകത്തു് എവിടെയും തൊഴിലിനെ പ്രോത്സാഹിപ്പിക്കുന്നു. നമ്മുടെ രാജ്യത്തെ തൊഴിൽ കൃഷിയാണു്. അതിൽനിന്നും ശരിയായ ആദായം ലഭിക്കുന്നുമില്ല. തിരുമനസ്സിലെ നാനാജാതിമതസ്ഥരായ അനേ

[Mr. Tariatu Kunjitomman.]

കായിരം വാത്സല്യപ്രജകൾ മരുഭൂമികളെ കൃഷിചെയ്തു ഐശ്വര്യഭൂയിഷ്ഠമാക്കിത്തീർത്തുകൊണ്ടിരിക്കുമ്പോൾ അവരെ അവിടെനിന്നും അടിച്ചു പുറത്താക്കുകയെന്നുള്ളതു് ഒരിക്കലും ഭൂഷണമല്ല. ഇങ്ങനെയുള്ള പ്രവൃത്തികൾ കമ്മ്യൂണിസത്തിനെ പ്രോത്സാഹിപ്പിക്കത്തക്കവണ്ണമുള്ളതാകുന്നു. ജീവിതത്തിൽ ആശയില്ലാത്തവർ എന്തു ചെയ്യാനും മടിക്കയില്ല. ഇങ്ങനെയുള്ള പ്രവൃത്തികൾകൊണ്ടാണ് ബോൾഷെവിസം മുതലായ പ്രവർത്തനങ്ങൾ ഉണ്ടായിട്ടുള്ളതു്. സാക്ഷാൽ കൃഷിക്കാരന്നു ദോഷത്തെ ചെയ്യുന്ന ഒരു നിയമം ഗവണ്മെൻറു ഒരിക്കലും പാസാക്കാൻപാടില്ല. ഇങ്ങനെ ഒരു നിയമം വേണമെന്നു ജനസഞ്ചയത്തിൻെറയിടയിൽനിന്നു ഒരിക്കലും ഒരഭിപ്രായവും പുറപ്പെട്ടിട്ടില്ല. ഈ രാജ്യം ഇൻഡ്യയിൽ വിദ്യാഭ്യാസത്തിൽ ഉപരിനിലയെ പ്രാപിച്ചിട്ടുള്ള ഒന്നാണ്. അനേകം വർത്തമാനപ്പത്രങ്ങളും, സാമുദായിക സംഘങ്ങളും, പൊതുജനസംഘങ്ങളും, കാർഷികസംഘങ്ങളും ഇവിടെ നിലവിലിരിക്കുന്നുണ്ടു്. ഇങ്ങനെയുള്ള സംഘങ്ങളിൽനിന്നോ പൊതുജനനാവായ വർത്തമാനപ്പത്രങ്ങളിൽനിന്നോ ഇങ്ങനെ ഒരു നിയമത്തിൻെറ ആവശ്യമുണ്ടെന്നു വെളിപ്പെടുത്തിയിട്ടില്ല.

Mr. M. P. Madhavan Pillai : ശ്രീമൂലം പ്രജാസഭ നടന്ന കാലത്തു ഇങ്ങനെ ഒരു നിയമം പാസ്സാക്കണമെന്നുള്ള നിവേദനം സമർപ്പിക്കപ്പെട്ടിട്ടുണ്ടോ?

Mr. Tariatu Kunjitomman: ഉണ്ടായിരിക്കാം.

Mr. J. John Kattakayam : ഈ ബില്ലിനെ പ്രതിഷേധിച്ചു അനേകം മഹായോഗങ്ങൾ കൂടിയിട്ടുള്ളതായി മെമ്പർക്കറിയാമോ?

Mr. Tariatu Kunjitomman : അനേകം യോഗങ്ങൾകൂടിയിട്ടുണ്ടു്. എന്നാൽ ഈ ബില്ലിനെ അനുകൂലിച്ചു് ഒരു യോഗവും നടന്നതായി പത്രപ്രസ്താവനകളിൽ കാണുന്നില്ല.

Mr. J. John Kattakayam : ഈ ബില്ലിനെ പ്രതിഷേധിച്ചു് അനേകം മെമ്മോറിയലുകൾ സമർപ്പിച്ചിട്ടുള്ളതായി മെമ്പർക്കറിയാമോ?

Mr. Tariatu Kunjitomman : അറിയാം. രാജ്യത്തിൻെറ എല്ലാഭാഗങ്ങളിലുമുള്ള നാനാജാതിമതസ്ഥരായ ജനങ്ങൾ മഹായോഗങ്ങൾകൂടി 'ഈ നിയമത്തിൻെറ വായിൽനിന്നും ഞങ്ങളെ രക്ഷിക്കണെ' എന്നുള്ള വിലാപസ്വരം ഐകണ്ഠ്യേന മുഴക്കുകയും, അവരുടെ സങ്കടം

നിശ്ചയക്രമേണ ഗവണ്മെൻറിലേക്കു സമർപ്പിക്കുകയും ചെയ്തു. ഇതൊക്കെ ഗവണ്മെൻറിനു ബോദ്ധ്യമുള്ള കാര്യമാണ്. ഒരു ഡെപ്യൂട്ടേഷൻ പോയി. ഈ ബില്ലിനു വിപരീതമായ ഒരന്തരീക്ഷമാണ് തിരുവിതാംകൂർ ആസകലം ഉണ്ടായിട്ടുള്ളതു്. കുറെ വ്യക്തികൾക്കു ഇതുകൊണ്ടു ഗുണമുണ്ടെങ്കിൽ അനേകലക്ഷം ജനങ്ങൾക്കു ദോഷമാണ്. ഇങ്ങനെ ഏതാനും ചില വ്യക്തികളുടെ ഗുണത്തെ ഉദ്ദേശിച്ച് പുരോഗമിച്ചുകൊണ്ടിരിക്കുന്ന അനേകം സഹസ്രം ജനങ്ങളെ അധഃപ്പതിപ്പിക്കത്തക്കവണ്ണമുള്ള ഒരു നിയമം നടപ്പിൽവരുത്താൻ ഗവണ്മെൻറു ഒരിക്കലും ഇടയാക്കരുതു്. നാഗരീകമുള്ള ജനസഞ്ചയം അവരുടെ അഭിലാഷങ്ങളെ വ്യവസ്ഥാപരിതമായ മാറ്റങ്ങളിൽകൂടി ഗവണ്മെൻറിനെ അറിയിച്ചുകൊണ്ടിരിക്കയാണ്.

Mr. K. P. Nilakanta Pillai: ബില്ലിലെ ഏതു തത്വത്തെ ആസ്പദമാക്കിയാണു മെമ്പർ സംസാരിക്കുന്നതു്?

Mr. Tariatu Kunjitomman: ഈ ബില്ലുമുഴുവനും കർഷകജനങ്ങൾക്കു ദോഷമായിട്ടുള്ളതാണെന്നുള്ള സ്വരം പത്രങ്ങളിലും മററു സ്ഥലങ്ങളിലും മുഴങ്ങുന്നു. ആ സങ്കടത്തെ ഈ കൌൺസിൽവഴി ജനസഞ്ചയം അറിയിക്കുന്നു.

Mr. J. John Kattakayam: ഈ ബില്ലിലെ ൨൪ വകുപ്പുകളിൽ ൨൩ വകുപ്പുകളും ദോഷകരമാണെന്നു മെമ്പർക്കറിയാമോ?

Mr. Tariatu Kunjitomman: എല്ലാം ദോഷമാണെന്നു പറഞ്ഞുകഴിഞ്ഞു. ഉദാഹരണമായി ഒരു വകുപ്പിനെ എടുത്തു തുടർന്നു സംസാരിക്കുകയാണ്. ഓരോ ബില്ലും വരുമ്പോൾ അതിനെപ്പററി വേണ്ട അന്വേഷണം നടത്താറുണ്ടു്. കർഷകാശ്വാസ ബില്ല് കൊണ്ടുവരുന്നതിനുമുൻപ് ഈ രാജ്യമൊട്ടുക്കു ചുററിസഞ്ചരിച്ചു ജനഹിതമറിയുകയുണ്ടായി.

Mr. J. John Kattakayam: അങ്ങനെ കൊണ്ടുവന്ന ബില്ലിനെയും പ്രതിഷേധിക്കുവാൻ ആളുകൾ ഉണ്ടായിരുന്നില്ലേ?

Mr. Tariatu Kunjitomman: ഉണ്ടായിരുന്നു.

യാതൊരന്വേഷണവും നടത്താതെ സാധുക്കളായ അധ്വാനികളുടെ അധ്വാനത്തിനു പ്രതിഫലം കൊടുക്കാതിരിക്കാനുള്ള ഒരു നിയമമാണ് ഇപ്പോൾ പാസ്സാക്കാൻ തുടങ്ങുന്നതു്. ഇങ്ങനെ ഒരുബിൽ പാസാക്കുന്നതു് ഈ രാജ്യത്തിനുതന്നെ കളങ്കമായിരിക്കും.

Mr. M. P. Madhavan Pillai: വസ്തു ഉടമസ്ഥരായ ജന്മിമാൎക്ക് യാതൊരുതരത്തിലും മിച്ചവാരംപോലും കൊടുക്കാത്തകൃഷിക്കാർ ഇല്ലേ?

Mr. Tariatu Kunjitomman: മിച്ചവാരം ഗവണ്മെന്റു പിരിച്ചെടുത്തു കൊടുക്കണമെന്നാണല്ലോ വ്യവസ്ഥ.

അതിനാൽ ഒരു കമ്മിററിരൂപീകരിച്ച് വേണ്ട അന്വേഷണങ്ങൾ നടത്തി ഈ ബില്ലിനെപ്പററിയുള്ള ജനഹിതം അറിയേണ്ടതായിരുന്നു

Mr. E. P. Varghese: ജനഹിതം ഈ ബില്ലിനു വിപരീതമാണെന്നു വെളിപ്പെടുത്തിയിട്ടില്ലേ?

Mr. Tariatu Kunjitomman: ഉണ്ട്.

ജന്മിമാരും കുടിയാന്മാരുംതമ്മിലുള്ള ബന്ധത്തെ നിൎണ്ണയിക്കുന്നതിനും ൨൦ വർഷത്തിനുമുൻപുതന്നെ ഒരു കമ്മററി ഏർപ്പെടുത്തി. ആ കമ്മററി രാജ്യംമുഴുവനും സഞ്ചരിച്ചു മൊഴിവാങ്ങി. അതിനുശേഷം ഈ ബിൽ കൊണ്ടുവരികയും ആ ബിൽ രണ്ടുതവണ സെലക്ട്കമ്മററിക്കയയ്ക്കുകയുംചെയ്തു.

Mr. J. John Kattakayam: ജന്മികുടിയാൻ കമ്മിററിയിൽ മെമ്പറും ഒരംഗമായിരുന്നില്ലേ?

Mr. Tariatu Kunjitomman: ആയിരുന്നു. ഇങ്ങനെ രണ്ടു കമ്മിററിയുടെ അന്വേഷണഫലമായിട്ടാണ് ഐശ്വൎയ്യമുണ്ടെന്നു വിചാരിക്കുന്ന കുടിയാന്മാരുടെ കാൎയ്യം തീരുമാനിക്കപ്പെട്ടതു്. ആ സ്ഥിതിക്ക് ഐശ്വൎയ്യമില്ലാത്ത ദരിദ്രരുടെ കാൎയ്യത്തിൽ ഇങ്ങനെ യാതൊരന്വേഷണവും നടത്താതെ അവരെ തേജോവധം ചെയ്യത്തക്കവിധത്തിൽ ഒരു ബിൽ കൊണ്ടുവന്നു പാസാക്കുക എന്നുള്ളതു് എത്ര കാൎയ്യമായിരിക്കും? ഞാൻ മുൻപു പറഞ്ഞതുപോലെ അവരുടെ കാൎയ്യം വാദിക്കാൻ ഇവിടെ ആളില്ല. പൊതുയോഗങ്ങൾകൂടാൻതന്നെ അവൎക്ക് അറിഞ്ഞുകൂടാ. തീരെ നിവൃത്തിയില്ലാത്തതുകൊണ്ട് അവരിപ്പോൾ ഇളകിയിരിക്കുകയാണ്. ഇതിനെപ്പററി വേണ്ട അന്വേഷണം നടത്തി വേണമെങ്കിൽ ഗവണ്മെൻറിനുതന്നെ ഒരു ബിൽ കൊണ്ടുവരാമായിരുന്നു. ഇതുനിമിത്തം ഈ ധൎമ്മരാജ്യത്തു വലുതായ ഒരു ആപത്തു വരാൻ പോകയാണ്. ഗവണ്മെൻറു പ്രജകൾക്കു വേണ്ട രക്ഷചെയ്യണം. ഇവരെ അവരുടെ താമസസ്ഥലത്തുനിന്നും അടിച്ചുപുറത്തിറക്കിയാൽ അവർ

എവിടെ പോകും? ഈ രാജ്യത്തെ റിസർവിനകത്തു് അവക്ക് താമസിക്കാൻ സ്ഥലം കൊടുക്കത്തക്കവണ്ണം വല്ല വ്യവസ്ഥയും ഈ ബില്ലിൽ ഉണ്ടായിരുന്നെങ്കിൽ തരക്കേടില്ലായിരുന്നു. റിസർവിനകത്തു കയറിയാൽ ഫാറസ്റ്റ് ഗാർഡ് ഇവരെ അടിച്ചോട്ടിക്കയും ജയിലിലാക്കുകയും ചെയ്യും. വലിയ ഭൂസ്വത്തുടമസ്ഥന്മാരുടെ പുരയിടങ്ങളിലാണ് ഇവർ ഇപ്പോഠം കിടക്കുന്നതു്. തിരുമനസ്സിലെ വാത്സല്യപ്രജകളെ, ഈ രാജ്യത്തെ ഭണ്ഡാഗാരം പോഷിപ്പിക്കുന്ന പ്രജകളെ, താമസസ്ഥലത്തുനിന്നും അടിച്ചിറക്കി അലഞ്ഞുതിരിയാൻ അനുവദിക്കുന്നപക്ഷം ഈ രാജ്യത്തിന്റെ ഐശ്വര്യാസ്ഥിവാരം തകൻപോകും. ദേഹണ്ഡികളിലാണു രാജ്യം അടിയുറച്ചിരിക്കുന്നതു്. നാട്ടിൻപുറങ്ങളിൽ താമസിക്കുന്നവക്ക് വിദ്യാഭ്യാസമില്ല. അവർ വെട്ടുകത്തിയും മൺവെട്ടിയുമെടുത്തു ജീവിതം കഴിക്കുന്നവരാണ്. എനിക്കവരുടെ സങ്കടത്തിന്റെ സ്വഭാവം നേരിട്ടറിയാം.

Mr. Kayalam Paramesvaran Pillai: ഇപ്പോഠം നിലവിലിരിക്കുന്ന നിയമമനുസരിച്ചു ദേഹണ്ഡക്കാരെ പുറത്തിറക്കുവാൻ നിവൃത്തിയില്ലെന്നാണോ മെമ്പർ പറയുന്നതു്?

Mr. Tariatu Kunjitomman: ഇപ്പോഴത്തെ നിയമപ്രകാരം അവരെ പുറത്തിറക്കിയാൽ ന്യായമായ ദേഹണ്ഡം അവർക്കു കിട്ടും. പത്തേക്കർ ദേഹണ്ഡിച്ചിട്ടുള്ള ഒരുവനെ ഒഴിപ്പിക്കുമ്പോഠം രണ്ടേക്കർ സ്ഥലം അവനു സ്വന്തമായി വാങ്ങിക്കത്തക്കവിധത്തിലുള്ള ദേഹണ്ഡം അവനു കിട്ടും.

Mr. J. John Kattakayam: ഭൂമിയിൽ ബലമായി പ്രവേശിച്ചാൽതന്നെയും ദേഹണ്ഡം അനുവദിച്ചുകൊടുക്കാറില്ലേ?

Mr. Tariatu Kunjitomman: ബലമായിട്ടു ആരും പ്രവേശിച്ചു ദേഹണ്ഡം നടത്താറില്ല. സൂചികടത്താൻ സ്ഥലം കൊടുത്താൽ തുമ്പ കടത്താൻ ധനവാന്മാക്കു കഴിയും. എന്നാൽ സാധു കർഷകരുടെ സ്ഥിതി നേരെ മറിച്ചാണ്. തുമ്പകടത്താൻ പഴുതുകൊടുത്താൽ സൂചികടത്താൻപോലും അവർ ശക്തരല്ല. സർവ്വപ്രജകഠംക്കും ന്യായം നടത്തണമെന്നുള്ളതാണ് മഹാരാജാവു തിരുമനസ്സിലെ തിരുവുള്ളം......

Mr. Kochikal P. Balakrishnan Tampi On a point of order, Sir; the member is dragging in the name of the King.

Mr. K. P. Nilakanta Pillai: മെമ്പരുടെ പ്രസംഗം ഈ ബില്ലുമായിട്ടു വല്ല സാംഗത്യവുമുണ്ടോ?

Mr. Tariatu Kunjitomman: ഈ ചോദ്യത്തിൻെറ അത്ഥം എനിക്കു മനസ്സിലാകുന്നില്ല. അനേകം ജനങ്ങൾക്കു സങ്കടമുണ്ടാകുന്ന ഒരു സംഗതിയെപ്പററി വല്ലതും രണ്ടുവാക്കു പറഞ്ഞുകൊണ്ടു ഞാൻ വിരമിച്ചുകൊള്ളാമെന്നാണു വിചാരിക്കുന്നതു്. ബ്രിട്ടീഷ് പാർലമെൻറിൽതന്നെ ഐർലണ്ടുകാൎക്കു ദോഷകരമായ ചില വ്യവസ്ഥകൾ വന്നപ്പോൾ, അവരുടെ പ്രതിനിധികൾ കുറവായിരുന്നുവെങ്കിലും അവരുടെ ന്യായത്തെ വിശദീകരിച്ചു വേണ്ടിടത്തോളം സംസാരിച്ചു. അതുപോലെയൊരു സന്ദർഭമാണിവിടെ ഇപ്പോൾ വന്നിരിക്കുന്നതു്. ജനങ്ങളുടെ സങ്കടം മുഴുവനും എന്നെപ്പോലെയുള്ള ചിലർവേണം ഇവിടെ പറഞ്ഞു മനസ്സിലാക്കാൻ. എൻെറ പ്രസംഗം ഈ ബില്ലുമായിട്ടു ഒരു സാംഗത്യവുമില്ലെന്നു പറയുന്നതു തന്നെ അസാംഗത്യമാണു.

Mr. N. Ramakrishna Pillai: ഈ ബില്ലുകൊണ്ടു വരുന്ന ദോഷങ്ങളിൽ ഒന്നുരണ്ടെണ്ണം പറയാമൊ?

Mr. Tariatu Kunjitomman: മൂന്നുനാലെണ്ണം ഞാൻ പറഞ്ഞുകഴിഞ്ഞു. കരം പതിയാത്ത വൃക്ഷങ്ങൾക്കു് ദേഹണ്ഡമില്ലെന്നുള്ള വകുപ്പുതന്നെദോഷമാണു്.

Mr. Kayalam Paramesvaran Pillai: കരം പതിയാത്ത വൃക്ഷങ്ങൾക്കു ദേഹണ്ഡവില കൊടുക്കാൻ പാടില്ല എന്നു വ്യവസ്ഥയില്ല.

Mr. Tariatu Kunjitomman: താനേ വളരുന്നവൃക്ഷങ്ങൾക്കു ദേഹണ്ഡവിലയില്ലെന്നു പറഞ്ഞിട്ടുണ്ടു്. കരം പതിയാത്ത വൃക്ഷങ്ങൾക്കു ദേഹണ്ഡംകിട്ടണമെങ്കിൽ അതു ദേഹണ്ഡിച്ചതാണെന്നു തെളിയിക്കണം. വേറെയൊന്നിനും സമയം കിട്ടാതെ ദേഹണ്ഡിച്ചുകൊണ്ടിരിക്കുന്നവനു (ദിവസവും അധ്വാനിച്ചുകൊണ്ടിരിക്കുന്നവനു്) ഇതു് കോടതിയിൽപോയി തെളിയിക്കുവാൻ സാധിക്കുമോ?

Mr. M. N. Paramesvaran Pillai: വസ്തുവിൽനിന്നു ആദായം എടുത്തുകൊണ്ടിരിക്കുന്നവൎക്കു അതുതെളിയിക്കുവാൻ സൌകൎയ്യമല്ലേ?

Mr. Tariatu Kunjitomman: എന്താണാദായമുള്ളതു്? സാധുക്കളുടെ സ്ഥിതി നാട്ടിൻപുറങ്ങളിൽ ചെന്നാൽ അറിയാം.

Mr. M. N. Paramesvaran Pillai: സാധുക്കൾ എന്നു പറയുന്നതു ജന്മിമാരെയോ കൃഷിക്കാരെയോ?

Mr. Tariatu Kunjitomman: അതു വ്യക്തമാണു്. ബുദ്ധിയില്ലാത്തവരും സ്വത്തില്ലാത്തവരും അധ്വാനം ചെയ്തുമാത്രം ജീവിതം കഴിച്ചുകൂട്ടുന്നവരാണു്

Mr. Kayalam Paramesvaran Pillai: താനെ ഉണ്ടാകുന്ന വൃക്ഷങ്ങൾക്കു ഇപ്പോൾ ദേഹണ്ഡവില കൊടുക്കണമെന്നുണ്ടോ?

Mr. Tariatu Kunjitomman : എന്തായാലും പ്രതിഫലം കിട്ടാതെ വസ്തു ഒഴിഞ്ഞുകൊടുക്കണമെന്നു വ്യവസ്ഥയില്ല.

Mr. Kayalam Paramesvaran Pillai: താനെയുണ്ടാകുന്ന വൃക്ഷങ്ങൾക്കു ദേഹണ്ഡവില കൊടുക്കണമെന്നാണോ ഇപ്പോഴത്തെ ചട്ടം?

Mr. Tariatu Kunjitomman : വിറകുവില കൊടുക്കണമെന്നുണ്ടു്.

Mr. J. John Kattakayam : ഈ ബില്ലിൽ ക്ലാസ്സ് ൨(ഇ) യുടെ വിവരണത്തിൽ കഴിഞ്ഞ കണ്ടെഴുത്തുകാലത്തു ഏതെങ്കിലും കരം ചുമത്തിയിട്ടില്ലാത്ത ഏതെങ്കിലും തരം വൃക്ഷങ്ങളെ വിപരീതമായി തെളിയിക്കുന്നതുവരെ ആ പ്രദേശത്തിലെ സ്വയമേവ വളരുന്ന വൃക്ഷങ്ങളാണെന്നില്ലയോ?

Mr. Tariatu Kunjitomman : ഉണ്ടു്, കരം പതിയാത്തവയെല്ലാം താനെ വളരുന്നവയായിട്ടു ഗണിക്കണമെന്നാണു് വ്യവസ്ഥ. അങ്ങിനെയല്ല ദേഹണ്ഡിച്ചവയാണു് എന്നു കേസുകൊടുത്തു നല്ലവക്കീലിനെ ഏർപ്പെടുത്തി തെളിയിക്കേണ്ട ഭാരം ഈ സാധു ദേഹണ്ഡിയിലാണു് ഇരിക്കുന്നതു്. ഇല മുള്ളിൽ വീണാലും മുള്ളു് ഇലയിൽ വീണാലും ഇലക്കാണു് ദോഷം. ഈ തരത്തിൽ ദേഹണ്ഡക്കാരനാണു് ദോഷം മുഴുവനും. ആഞ്ഞിലിമുതലായ വൃക്ഷങ്ങൾ ഉണ്ടായാൽ അതിന്റെ ചുവട്ടിൽ മറ്റൊന്നുംതന്നെ ഉണ്ടാവുകയില്ല. അതുകൊണ്ടു കൃഷിക്കാർ മിക്കവാറും അങ്ങിനെയുള്ള വൃക്ഷങ്ങൾ ഉണ്ടാവാൻ അനുവദിക്കുകയില്ല. ആ സ്ഥിതിക്കു അങ്ങിനെയുള്ള വൃക്ഷങ്ങൾ കണ്ടുകഴിഞ്ഞാൽ അതു ദേഹണ്ഡക്കാരൻ നട്ടുപിടിപ്പിച്ചതാണെന്നുവേണം വിചാരിക്കാൻ.

Mr. N. Ramakrishna Pillai: ജന്മിക്കാവശ്യമില്ലാത്തവൃക്ഷം നട്ടുപിടിപ്പിക്കുന്നതു് ശരിയാണോ?

Mr. Tariatu Kunjitomman : ജന്മിക്കാവശ്യമില്ലാത്തതു് ഒരിക്കലും നട്ടുപിടിപ്പിക്കയില്ല. അനർത്ഥപരിഹാരത്തിനും ഉദ്ദേശസിദ്ധിക്കുമല്ലാതെ എവിടെയെങ്കിലും കർമ്മം ചെയ്യാറുണ്ടോ? അവനവന്റെ പരിശ്രമത്തിനു ഫലം കിട്ടണം. റബ്ബർ താനെ ഉണ്ടാകുന്നതല്ല. വേലികെട്ടി സൂക്ഷിച്ചില്ലെങ്കിൽ കന്നുകാലി അതൊക്കെതിന്നുനശിപ്പിക്കും.

Mr. Kayalam Paramesvaran Pillai റബ്ബറിനു ദേഹണ്ഡം കൊടുക്കേണ്ട എന്നു പറഞ്ഞിട്ടുണ്ടോ?

Mr. Tariatu Kunjitomman. റബ്ബറിനു കൊടുക്കേണ്ട എന്നു പറഞ്ഞിട്ടില്ല. പക്ഷെ കരം പതിയാത്ത വൃക്ഷങ്ങൾക്കു ദേഹണ്ഡം കൊടുക്കയില്ല എന്നു പറഞ്ഞിട്ടുണ്ടു്.

Mr. Kayalam Paramesvaran Pillai: കരം പതിയാത്ത വൃക്ഷങ്ങൾക്കു ദേഹണ്ഡം കൊടുക്കുകയില്ല എന്നു ബില്ലിലുണ്ടോ?

Mr. Tariatu Kunjitomman അതു താനെ വളരുന്നതല്ലെന്നു തെളിയിച്ചാൽ മാത്രമേ ദേഹണ്ഡം കിട്ടുകയുള്ളു.

Mr. Kayalam Paramesvaran Pillai: ബില്ലിൽ അപ്പോൾ റബ്ബറിനു് ദേഹണ്ഡവില കൊടുക്കണമെന്നു വരുന്നില്ലേ?

Mr. Tariatu Kunjitomman: അതു തെളിയിക്കേണ്ട ഭാരംകൂടിയുണ്ടല്ലോ.

Mr. Kayalam Paramesvaran Pillai: അങ്ങിനെ തെളിയിച്ചാൽ റബ്ബറിനു ദേഹണ്ഡവില കിട്ടുകയില്ലേ?

Mr. Tariatu Kunjitomman: അതു റബ്ബറിനുമാത്രമല്ല എല്ലാത്തിനും കിട്ടും. അതു തെളിയിക്കേണ്ട ഭാരം സാധു ദേഹണ്ഡിയിൽ വച്ചിരിക്കുന്നു.

Mr. M. N. Paramesvaran Pillai: അപ്പോൾ തെളിവുഭാരത്തെപ്പററിയുള്ള തക്കമാണോ മെമ്പർക്കുള്ളതു്?

Mr. Tariatu Kunjitomman എന്റെ പ്രസംഗം കേട്ടുകൊണ്ടിരുന്നിട്ടും എന്റെ മാന്യസ്നേഹിതൻ ഇങ്ങനെയൊരു ചോദ്യം ചോദിച്ചതിൽ ഞാൻ അതിശയിക്കുന്നു.

കോടതിയിൽ പോയാലുള്ള സ്ഥിതി വളരെ പരിതാപകരമാണു്.

Mr. J. John Kattakayam: തെളിവുഭാരം ദേഹണ്ഡക്കാരനിൽ വച്ചാലും അവനെക്കൊണ്ടു അതു് തെളിയിക്കാൻ സാധിക്കുമോ?

Mr. Tariatu Kunjitomman: ഒരിക്കലും സാധിക്കുകയില്ല.

Mr. E. P. Varghese: കുരുമുളകു മുതലായവ താനെ ഉണ്ടായതാണോ എന്നു തെളിയിക്കേണ്ട ആവശ്യമുണ്ടോ?

Mr. Tariatu Kunjitomman: കരം പതിച്ചിട്ടുള്ള ദേഹണ്ഡങ്ങൾക്കു വിലകിട്ടും. അല്ലാത്ത വകകു കിട്ടുകയില്ല. കരം പതിഞ്ഞിട്ടു്

ള്ളവയെക്കാൾ കൂടുതൽ ആദായം ഉള്ളതും, കൂടുതൽ സംരക്ഷിക്കേണ്ടതും ചിലപ്പോൾ കരം പതിഞ്ഞിട്ടില്ലാത്ത ദേഹണ്ഡങ്ങളായിരിക്കും.

Mr. E. P. Varghese: കുരുമുളകിനു ഉരമുണ്ടോ?

Mr. Tariatu Kunjitomman: കയററുമതി തീരുവയുണ്ട്.

Mr. Kayalam Paramesvaran Pillai: ദേഹണ്ഡിച്ചുണ്ടാക്കുന്ന റബ്ബറാണെങ്കിൽ അതു തെളിയിച്ചാൽ ദേഹണ്ഡവില കിട്ടുന്നുണ്ടോ?

Mr. Tariatu Kunjitomman: കിട്ടുന്നുണ്ടായിരിക്കാം. ലാമെമ്പർ ആവശ്യമില്ലാത്ത അനവധി ബില്ലുകൾ ഇവിടെ കൊണ്ടുവരുന്നു എന്നാണ് ജനസഞ്ചയത്തിന്റെ അഭിപ്രായം. എന്നാൽ ഇങ്ങനെയുള്ള ദേഹണ്ഡങ്ങൾക്കു രക്ഷ കിട്ടാൻ തക്കവണ്ണമുള്ള ഒരു ബിൽ കൊണ്ടുവരാൻ ശ്രദ്ധകാണിക്കുന്നില്ല.

Mr. K. P. Nilakanta Pillai: തെങ്ങിനും കമുകിനും ദേഹണ്ഡം തെളിയിക്കാതെ കിട്ടുമോ?

Mr. Tariatu Kunjitomman: കിട്ടും എന്നാൽ ദേററ മാത്രം തെളിയിക്കണം.

Mr. K. P. Nilakanta Pillai: ഇപ്പോൾ നിലവിലിരിക്കുന്ന നിയമപ്രകാരം ദേഹണ്ഡം തിട്ടപ്പെടുത്താൻ കമ്മീഷണരെ നിശ്ചയിച്ചാൽ അയാൾക്കു കുറെ കൈക്കൂലിയും കൊടുക്കേണ്ടിവരുമെന്നറിയാമോ?

Mr. Tariatu Kunjitomman: അതൊക്കെയുണ്ട്. എന്നാൽ നിയമവിദഗ്ദ്ധനായ എന്റെ മാന്യസ്നേഹിതൻ ഇതിനെല്ലാം പ്രതിവിധി ഉണ്ടാക്കി ഒരു ബില്ലിവിടെ കൊണ്ടുവന്നാൽ ഞാനും അതിനെ സ്വാഗതം ചെയ്യാം.

Mr. J. John Kattakayam: ബില്ലിൽ ൨-ാം വകുപ്പിൽ ൨-ാംപാരാവിൽ "ഒരു കൈവശക്കാരൻ നടത്തിയ ഒരു പണി വസ്തുവിന്റെ മറേറതെങ്കിലും ഭാഗത്തിന്റെ വിലയെ സാരമായി കുറക്കുന്നപക്ഷം ആ പണി ഒരു ദേഹണ്ഡമാകുന്നതല്ല." എന്നു പറഞ്ഞിട്ടില്ലേ?

Mr. Tariatu Kunjitomman: അതൊക്കെ അവ്യക്തവും തെളിവിനെ ആശ്രയിച്ചിരിക്കുന്നതുമാകുന്നു. തെളിവുകൊടുക്കുകയെന്നുള്ളതു് ദരിദ്രരായ സാധുക്കൾക്കു് ഒരിക്കലും സാധ്യമല്ല. വ്യക്തവും യാതൊരു തർക്കത്തിനും ഇടകൊടുക്കാത്തതുമായ വകുപ്പുകളാണ് ഉണ്ടാകേണ്ടതു്.

Mr. Komilezhathu Sankaran: ഈ ബില്ലുകൊണ്ടു് കർഷകനു ഗുണമില്ലെന്നാണോ മെമ്പരുടെ അഭിപ്രായം?

Mr. Tariatu Kunjitomman: ഗുണമില്ലെന്നുമാത്രമല്ല ദോഷം വളരെയുണ്ടുതാനും.

Mr. Komilezhathu Sankaran: യാതൊരു സംഘടനയുമില്ലാത്ത തൊഴിലാളികളെ സംഘടിപ്പിക്കാൻ ഇതൊരു പ്രേരകമായില്ലേ?

Mr. Tariatu Knnjitomman: അതു ശരിയായിരിക്കാം. എന്നാൽ അവർ യോജിച്ചാൽ എന്താണു അവരെക്കൊണ്ടു് ചെയ്വാൻസാധിക്കുന്നതു? ദേഫണ്ഡികളെല്ലാംകൂടി ചേർന്നാൽ ഒരു ജന്മിയെ നിയന്ത്രിക്കാൻ സാധിക്കുമോ?

Mr. E. P. Varghese: ജന്മിമാർ ഇങ്ങനെ ഒരുബിൽ വേണമെന്നാവശ്യപ്പെട്ടിട്ടുണ്ടോ?

Mr. Tariatu Kunjitomman: യോഗ്യന്മാരായ ജന്മിമാരും ഇങ്ങനെ ഒന്നാവശ്യപ്പെടുകയില്ല. എങ്കിലും അവരിൽ ചിലരുടെ സഹായം ഇതിനുണ്ടായിരിക്കാം. ജന്മിമാർ ധാരാളമുള്ള ഒരു താലൂക്കിലെ പ്രതിനിധിയാണു ഈ ബിൽകൊണ്ടുവന്നതു്. ദേഫണ്ഡികളുടെ കഷ്ടത ഇവിടെയുള്ളവരാരും കണ്ടിട്ടില്ല. ദേഫണ്ഡങ്ങളെല്ലാം നടക്കുന്നതു് റിസർവിനോടടുത്തുള്ള പ്രദേശങ്ങളിലാണു്.

Mr. M. Govindan; ബില്ലിൽ ദേഫണ്ഡങ്ങളുടെ വിവരണം പറയുന്ന കൂട്ടത്തിൽ വസ്തുക്കൾക്കു വിലവർദ്ധിച്ചിരിക്കയും തുടർന്നു വില വർദ്ധിച്ചുകൊണ്ടിരിക്കയും ചെയ്യുണമെന്നുപറയുന്നു.

വിലവർദ്ധന തുടർന്നുകൊണ്ടിരിക്കയെന്നുള്ളതു് കണ്ടുപിടിക്കാനുള്ളതു് ആരാണു്? ഭാവിയിൽ വരാൻപോകുന്ന ഒരു കാര്യത്തെ കണ്ടുപിടിക്കാനുള്ള ചുമതല കമ്മിഷണരെ ഏല്പിച്ചിരിക്കുന്നതു ശരിയാണോ?

Mr. Tariatu Kunjitomman: ഒരിക്കലും ശരിയല്ല. അതും തെളിവിൽ തീർക്കേണ്ട ഒരു സംഗതിയാണു്. ദേഫണ്ഡികളുടെ ഭാഗം തെളിയിക്കയെന്നുള്ളതു് അസാദ്ധ്യമാണെന്നു ഞാൻ പല ആവർത്തി പറഞ്ഞുകഴിഞ്ഞു.

Mr. J. John Kattakayam: അസസ്സേഴ്സിനെ നിശ്ചയിച്ചാൽ അവരെ കോടതിമുഖാന്തരം വിസ്തരിക്കാനുള്ള അവകാശം നഷ്ടപ്പെടുകയില്ലേ?

Mr. Tariatu Kunjitomman: ആ ദോഷങ്ങളൊക്കെയുണ്ടു്.

Mr. K. P. Nilakanta Pillai: തെളിവുഭാരം ജന്മിക്കു കൊടുത്താൽ വിഷമമുണ്ടോ?

Mr. Tariatu Kunjitomman: ആരിൽവച്ചാലും തെളിയിക്കാനുള്ളതു വിഷമമാണു്. എന്തിനു ഇങ്ങനെ ബുദ്ധിമുട്ടാൻപോകുന്നു.

വ്യക്തമായിട്ടുതന്നെ പറയാമല്ലൊ. ഏതുതരത്തിലുള്ള ദേഹണ്ഡങ്ങൾക്കും മാക്കററ റേററനുസരിച്ച് ഉള്ള ദേഹണ്ഡം കൊടുക്കണമെന്നു വ്യവസ്ഥ ചെയ്യുന്നതിലെന്താണു ദോഷം?

Mr. J. John Kattakayam : ഒരു പുരയിടം നിലമാക്കിയാൽ അതിലേക്കുള്ള ദേഹണ്ഡം ഈ ബില്ലനുസരിച്ചു കിട്ടുമോ?

Mr. Tariatu Kunjitomman : അതൊക്കെ തെളിവിനെ ആശ്രയിച്ചിരിക്കുന്നു. കർഷകർ ദരിദ്രരായിട്ടു വരികയാണ്. ൯൦൦ രൂപ കിട്ടിക്കൊണ്ടിരുന്ന കരുമുളകിന് ഇപ്പോൾ ൪൦൦ രൂപ കിട്ടുന്നില്ല.

Mr. K. P. Nilakanta Pillai: കാർഷികോല്പന്നങ്ങളുടെ വിലക്കുറവ് ഈ ബില്ലിനെ ബാധിക്കുമോ?

Mr. Tariatu Kunjitomman : തെളിവുഭാരം തലയിൽവച്ചാൽ പണമില്ലാതെ എങ്ങനെയാണു തെളിയിക്ക. വക്കീലന്മാർക്കു ഫീസു കൊടുക്കണം. മുൻസിപ്പുകോടതിവക്കീലന്മാർക്കു കുറെ കുറച്ചുകൊടുത്താൽ മതിയെങ്കിലും ഒരു ബി. എൽ. വക്കീലിനെ ആക്കിയാൽ കൂടുതൽ പണം കൊടുക്കണം. അതിനൊക്കെ പണമില്ലെങ്കിൽ കർഷകൻ എന്തുചെയ്യും. കർഷകനു് ഒരു തുണ്ടു പുരയിടമെ ഉണ്ടായിരിക്കയുള്ളൂ. ഒരു ജന്മി ഒരു വിധി സമ്പാദിച്ചാൽ മററുള്ളവർക്കു വേറെ വ്യവഹാരം കൂടാതെ കഴിക്കാം.

Mr. M. Govindan. ഈ ബില്ലിന്റെ അവതാരകൻ ഉദ്ദേശകാരണം പറയുന്ന സ്ഥലത്തു്

> "The strongest and the richest partly moulds the matter in his own way and the Commissioners are often seen to lead astay even the Courts........."

എന്നു പറഞ്ഞിട്ടുണ്ടു്.

Mr. Tariatu Kunjitomman: അതൊക്കെയുണ്ടു്. എന്തെല്ലാം പറഞ്ഞാലും കൃഷിക്കാരനെ നശിപ്പിക്കാൻ നം·ാംവകപ്പൊന്നുമാത്രം മതി.

Mr. Kayalam Paramesvaran Pillai: താനെ ഉണ്ടാകുന്നവൃക്ഷങ്ങൾക്കു ദേഹണ്ഡംകൊടുക്കണമെന്നു മെമ്പർക്കഭിപ്രായമുണ്ടോ?

Mr. Tariatu Kunjitomman : നിശ്ചയമായും ഉണ്ടു്. മനുഷ്യർ താനേയുണ്ടാകുമോ? അതുപോലെ ഒന്നുംതന്നെ താനെ ഉണ്ടാകയില്ല. ആഹാരംകൊടുത്തു സംരക്ഷിച്ചാലെ അതു വളർന്നു വരികയുള്ളൂ. എപ്പോഴും വെട്ടിക്കിളച്ചുകൊണ്ടിരിക്കുന്ന ഒരു സ്ഥലത്തു താനെ ഒരു വൃക്ഷം ഉണ്ടാവുക എന്നുള്ളതു് അസംഭാവ്യമാണു്.

Mr. K. P. Nilakanta Pillai: ആഞ്ഞിലിവൃക്ഷത്തിന് എന്താണാഹാരം?

Mr. Tariatu Kunjitomman: വാക്കത്തി ഉപയോഗിച്ചു വെട്ടിക്കളയാതിരിക്കുന്നതുതന്നെയാണ് ഒന്നാമത്തെ രക്ഷ. വേനൽക്കാലത്തും അതിന്റെ ഇല പൊഴിയാത്തതിനാൽ അതിന്റെ ചുവട്ടിൽ മറ്റൊന്നുംതന്നെ ഉണ്ടാകയില്ല. മററു കൃഷികൾക്കു തടസ്ഥത്തെയുണ്ടാക്കുന്ന ഒരു വൃക്ഷത്തെ സംരക്ഷിച്ചിട്ടും ഗവൺമെണ്ടിക്ക് അതിന്റെ വില കിട്ടുകയില്ലെന്നു വരുന്നതു് എത്ര കഷ്ടമാണ്.

Mr. Kayalam Paramesvaran Pillai. പുരയിടം കിളച്ചു കൃഷിചെയ്യാത്തതായിരിക്കാം വലിയരക്ഷ.

Mr Tariatu Kunjitomman: എപ്പോഴും ചുവട്ടിൽ കിളച്ചു കപ്പയുംമററും വച്ചു സംരക്ഷിക്കുന്നതുകൊണ്ടാണ് ഇങ്ങനെയുള്ളവ ഉണ്ടാകുന്നതു്.

Mr. K. P. Nilakanta Pillai: ആഞ്ഞിലിവൃക്ഷത്തിന്റെ ചുവട്ടിൽ കപ്പ വെയ്ക്കുമോ?

Mr. Tariatu Kunjitomman: ചെറിയ വൃക്ഷങ്ങളുടെ ചുവട്ടിൽ കപ്പയുണ്ടാകും, വലിയ വൃക്ഷങ്ങളുടെ ചുവട്ടിലാണെങ്കിൽ ഉണ്ടാകയില്ല.

Mr. J. John Kattakayam: പുരയിടങ്ങൾ കിളയ്ക്കുന്നതുകൊണ്ടല്ലേ അവിടെ നില്ക്കുന്ന വൃക്ഷങ്ങൾ തഴച്ചുവരുന്നതു്?

Mr. Tariatu Kunjitomman: അതെ.

Mr. M. Govindan: ആഞ്ഞിലിവൃക്ഷം വരിവരിയായി നട്ടു സംരക്ഷിച്ചുവരുന്ന പതിവുമില്ലേ?

Mr Tariatu Kunjitomman: ധാരാളമുണ്ടു്. ആയിരക്കണക്കിന് ആഞ്ഞിലി നട്ടുപിടിപ്പിച്ചു കൊടി പടർത്തിയിട്ടുള്ള സ്ഥലങ്ങൾ ധാരാളമുണ്ടു്. ഇങ്ങനെ വരിവരിയായിട്ടുള്ളതു നട്ടു വളർത്തുന്നതാണ്. അല്ലാതെ പ്രകൃതിയിൽ വരിവരിയായിട്ടു വൃക്ഷങ്ങൾ മുളക്കാറില്ല.

Mr. J. John Kattakayam: മുളകുകൊടി ആഞ്ഞിലിയിൽ പടർത്തുന്നതു് ആഞ്ഞിലിയെക്കൂടി സംരക്ഷിക്കണമെന്നുള്ള ഉദ്ദേശത്തോടുകൂടിയല്ലേ?

Mr. Tariatu Kunjitomman. അതെ.

Mr. M. P. Madavan Pillai: ദേഹണ്ഡവില തിട്ടപ്പെടുത്താൻ മെമ്പർ എവിടെയെങ്കിലും പോയിട്ടുണ്ടോ?

Mr. Tariatu Kunjitomman: കോടതിയിൽനിന്നും ഞാൻ മദ്ധ്യസ്ഥനായിട്ടെ, വക്കീലായിട്ടോ പോയിട്ടില്ല.

Mr. M. P. Madavan Pillai: ദേഹണ്ഡറിൽ തിട്ടപ്പെട്ട ഞാൻ കക്ഷികളുടെ അപേക്ഷപ്രകാരം വല്ലസ്ഥലത്തും പോയിട്ടുണ്ടോ?

Mr. Tariatu Kunjitomman: കോടതിയിൽനിന്നും അയക്കപ്പെടുന്ന ആമീൻെറകൂടെ ഞാൻ പോയിട്ടില്ല. ഞാൻ മദ്ധ്യസ്ഥംപറഞ്ഞു ചില വ്യവഹാരങ്ങളൊക്കെ ഒതുക്കിയിട്ടുണ്ട്.

Mr. J. John Kattakayam: അങ്ങിനെ മദ്ധ്യസ്ഥംപറഞ്ഞു ഒതുക്കിയതു വീട്ടിലിരുന്നൊ പുരയിടങ്ങളിൽചെന്നു നോക്കിയോ?

Mr. Tariatu Kunjitomman: രണ്ടുപ്രകാരത്തിലും.

Mr. M. P. Madhavan Pillai: അങ്ങിനെ പോയിട്ടുള്ളതു കൃഷിക്കാരുടെ ഭാഗത്തേക്കുവേണ്ടിയോ ജന്മിമാരുടെ ഭാഗത്തേക്കുവേണ്ടിയോ?

Mr. Tariatu Kunjitomman: രണ്ടുകൂട്ടർക്കുംവേണ്ടി പോയി ന്യായമായി തീർത്തിട്ടുണ്ട്. ഇപ്പോഴത്തെ ബില്ലുവന്നുകഴിഞ്ഞാൽ മദ്ധ്യസ്ഥമൊന്നും ആവശ്യമില്ല. കോടതിയിൽപോയി തെളിയിച്ചാൽമതി.

Mr. M. Govindan: മലബാറിൽനിന്നു നാം പലനിയമങ്ങളും ഇവിടെ പകർത്തിയിട്ടുണ്ട്. അവിടത്തെ നിയമത്തിൽ വൃക്ഷങ്ങൾ താനെ വളർന്നാലും മുക്കാൽപാകം വിലകൊടുക്കണമെന്നു വ്യവസ്ഥയുള്ളതായി അറിയാമോ?

Mr. Tariatu Kunjitomman. അതിനേക്കാൾ ഗുണകരമായ ഒരു വ്യവസ്ഥയാണു നമുക്കു വേണ്ടതു്. ഈ ബില്ലുകൊണ്ടു പുരോഗമനമല്ല അധോഗമനമാണുണ്ടാകുന്നതു്. പരിഷ്കൃതരാജ്യങ്ങൾ വ്യവസായത്തിൽ പുരോഗമിച്ചുകൊണ്ടിരിക്കുന്ന ജനസഞ്ചയത്തെ പ്രോത്സാഹിപ്പിക്കുന്നതിനുള്ള നിയമങ്ങൾ പാസാക്കുന്നതിൽ ബദ്ധശ്രദ്ധരായിരിക്കുന്നു. നമ്മുടെ രാജ്യത്തിനു ഐശ്വര്യം വർദ്ധിക്കുന്നതു കൃഷിയിൽനിന്നാണ്. കയററുമതി സാമാനങ്ങൾക്കു കിട്ടുന്ന ആദായംകൊണ്ടു നമുക്കു ഇറക്കുമതിസാമാനങ്ങൾ വരുത്തേണ്ടിയിരിക്കുന്നു. ഇവിടത്തെ കയററുമതി വർദ്ധിപ്പിക്കുന്നതിനായി അക്ഷീണം പ്രയത്നിക്കുന്ന ഒരു കൂട്ടരെയാണ് ഇപ്പോൾ വെളിയിലിറക്കണമെന്നു പറയുന്നതു്.

Mr. Komilezhathu Sankaran: കർഷകർക്ക് രാഷ്ട്രീയമായ വല്ല സംഘടനയുമിവിടെയുണ്ടോ?

Mr. Tariatu Kunjitomman: ഇല്ല. അവർക്കിവിടെ പ്രതിനിധിയുമില്ല.

Mr. Kayalam Paramesvaran Pillai : അവരുടെ കാര്യം വാദിക്കാൻ ഇവിടെ മി. കുഞ്ഞിത്തൊമ്മനില്ലേ?

Mr. Tariatu Kunjitomman : ഞാൻ അവർക്കുവേണ്ടി കഴിയുന്നതും വാദിക്കുന്നുണ്ട്. ഞാൻ അവരുടെ ഇടയിൽനിന്നും വരുന്നവനാണ്.

Mr. Kayalam Paramesvaran Pillai : അപ്പോൾ അവർക്കു സങ്കടത്തിനു വഴിയില്ലല്ലോ?

Mr. Tariatu Kunjitomman : നാട്ടിൻപുറത്തുനിന്നുംവരുന്ന എന്റെ സ്നേഹിതന്മാർ അവർക്കുവേണ്ടി വാദിക്കുന്നുണ്ട്. എന്നാൽ പണ്ഡിതന്മാരായ മെമ്പരുടെ സാഹായ്യംകൂടി ഞങ്ങൾക്കുണ്ടാകണം.

Mr. Komilezhathu Sankaran : മി. കുഞ്ഞിത്തൊമ്മനെ അനുകൂലിക്കാൻ ഈ കൌൺസിലിൽ എത്രപേർ കാണും?

Mr. Tariatu Kunjitomman : നിങ്ങളെല്ലാം ഉണ്ടാകും.

Mr. J. John Kattakayam : യഥാർത്ഥ കർഷകപ്രതിനിധികൾ ഇവിടെ ഉണ്ടായിരുന്നാൽ ഇങ്ങിനെ ഒരു ബില്ലിവിടെയുണ്ടാകുമോ?

Mr. M. N. Parameswaran Pillai : Sir, I rise to a point of order and say that it is a reflection on the lower House.

Chairman: ആ ചോദ്യം അനുവദിക്കുന്നില്ല.

Mr. J. John Kattakayam: ഈ ബില്ലിന്റെ ൨-ാം വകുപ്പിനെപ്പറ്റി മെമ്പർക്കുള്ള അഭിപ്രായമെന്താണ്?

Mr. Tariatu Kunjitomman : അതും തെററാണ്, അതിനപ്പുറമുള്ളതും തെററാണ്. ഈ ബില്ലുതന്നെ തെററാണെന്നാണ് ഞാൻ പറയുന്നത്.

Mr. J. John Kattakayam : ഒരു പുരയിടത്തിനു കശാല വക്കാൻ എത്രപണം വേണം?

Mr. Tariatu Kunjitomman : അതു പുരയിടങ്ങളുടെ വലിപ്പച്ചെറുപ്പംപോലെയായിരിക്കും. ഏതായാലും കയ്യാലകെട്ടാൻ വലിയ ചെലവുണ്ടെന്നു സമ്മതിച്ചേതീരൂ. രാജ്യത്തിന്റെ അഭിവൃദ്ധിക്കായി പരിശ്രമിക്കുന്നവരെ നിരാശാരിതരും അധ്വാനത്തിൽ വൈമനസ്യമുള്ളവരുമാക്കിത്തീർത്താൽ നമ്മുടെ രാജ്യം ഐശ്വര്യത്തിൽ പുരോഗതിയെ പ്രാപിക്കുമോ? പരിശ്രമികളായ ജനസഞ്ചയം സൃഷ്ടിപരമായ കർമ്മങ്ങളിൽ പ്രവർത്തിച്ചുകൊണ്ടിരിക്കുമ്പോൾ ഗവൺമെൻറു അവരെ പ്രോത്സാഹിപ്പിക്കുതന്നെ വേണം.

Mr. Kochikal P. Balakrishnan Tampi: I move that the question be now……

Mr. Kayalam Paramesvaran Pillai: Not when he is speaking.

Mr. Kochikal P. Balakrishnan Tampi: Sir, I can move at any stage. Sir, I may say that in Parliament as a provision against the Irish tactics, closure motion was moved by members interrupting a speech,

Mr. M. Govindan: On a point of order. Is it permissible to have a conversation between the honourable member and the Law Member?

Mr. Tariatu Kunjitomman: അതിനാൽ രാജ്യത്തിന്റെ പുരോഗതിയെവേണം ഈ സഭ കാര്യമായി ഗണിക്കാൻ. ഈ സഭ നിയമസമിതിയുടെ ഉപരിമണ്ഡലമാണ്. ഉദ്യോഗമോ ഉന്മത്തതയോ കൂടാതെ ഓരോ കാര്യങ്ങളെയും ഗ്രഹിച്ചു കടത്തിവിടേണ്ട ഒരു സ്ഥാപനമാണിതു്.

Mr. Kochikal P. Balakaishnan Tampi: I move that the question be now put.… …

Mr. M. N. Paramesvaran Pillai: On a point of order, Sir. I wish to have your ruling whether the question can be moved while an honourable member is on his legs.

Mr. Kochikal P. Balakrishnan Tampi: Sir, I may be allowed to explain myself. I do not want to use any tactics. This is only a Parliamentary method devised to stop indefinite talking. This wholesome provision was introduced in the House of Commons when some members in the House was particularly lavish in eloquence to prolong the discussion and gain their own end. Hence I am competent to move for closure at any stage of the debate.

Mr. S. Piraviperumal Pillai: Can you point out that this can be allowed under the Standing Orders of the Council?

Chairman: It is open to the member to move for closure at any stage of the debate. But I do not think that it is proper to apply that here at this stage in the middle of a speech.

Mr. Tariatu Kunjitomman: അതുകൊണ്ടു ഗവൺമെന്റും ബഹുമാന്യരായ എന്റെ സഹപ്രവർത്തകന്മാരും ഈ കാര്യത്തെപ്പറ്റി ഗാഢമായി ചിന്തിക്കുമെന്നു ഞാൻ വിശ്വസിക്കുന്നു. ഈ രാജ്യത്തെ സകല ഐശ്വര്യത്തിനും അസ്ഥിവാരമായിരിക്കുന്ന സാധുകർഷകർക്കുപദ്രവകരമായ ഈ ബില്ലിനെ ബഹിഷ്കരിക്കയാണു വേണ്ടതു്.

Mr. Komilezhathu Sankaran : ഈ രാജ്യത്തെ ഐശ്വര്യം വ്യാവസായികമായ പുരോഗതിയിലല്ല, കാർഷികമായ പുരോഗതിയിലാണെന്നാണോ മെമ്പർ പറയുന്നത്?

Mr. Tariatu Kunjitomman : ഇവിടത്തെ വ്യവസായങ്ങളൊന്നും കൃഷിയിൽനിന്നു വേർപ്പെട്ടു നില്ക്കുന്നവയല്ല. ഭൂഗർഭത്തിൽനിന്നു അനേകം സാധനങ്ങളെടുത്തു സംസ്കരിച്ചു അന്യദേശങ്ങളിലേക്കയച്ചു നമ്മുടെ ഐശ്വര്യം പരിരക്ഷിക്കാൻ നമുക്കു നിർവാഹമില്ല. ഇവിടെ കാർഷികോല്പന്നങ്ങളെ സംസ്കരിച്ചു അന്യരാജ്യങ്ങളിലേക്കയക്കുന്ന വ്യവസായമാണുള്ളത്. വിദേശികളുടെ മൂലധനം മുടക്കി പകിട്ടുള്ളതും വില കുറഞ്ഞതുമായ സാധനങ്ങളുണ്ടാക്കി നമ്മുടെ തുറമുഖങ്ങളിൽ ധാരാളം ഇറക്കിക്കൊണ്ടിരിക്കുമ്പോൾ അവയോടു മത്സരിക്കത്തക്കവണ്ണമുള്ള ഒരു വ്യവസായം ഇവിടെ തുടങ്ങുക എന്നുള്ളതു ക്ഷിപ്രസാദ്ധ്യമാണ്.

Mr. M. Govindan : വസ്തു ഒഴിപ്പിക്കാൻ വിധിസമ്പാദിച്ചാൽ കോടതിയിൽനിന്നും അനുവാദമുണ്ടാകാൻ എത്രകാലം കാത്തിരിക്കണം?

Mr. Tariatu Kunjitomman : അതൊക്കെ വലിയ ഉപദ്രവമാണ്. മൂന്നുകൊല്ലം കഴിഞ്ഞ ഉടൻ ഹർജികൊടുത്തില്ലെങ്കിൽ കാലഹരണദോഷം വരും.

Mr. K. P. Nilakanta Pillai : ദേഹണ്ഡവില കിട്ടിയാൽ ഭൂമി വിട്ടുപോകാൻ കർഷകനു വിഷമമുണ്ടോ?

Mr. Tariatu Kunjitomman : വിഷമമുണ്ട്. അവനു വേറെ ഒരുസ്ഥലത്തുംപോകാൻ സാധിക്കുകയില്ല.

Mr. M. N. Paramesvaran Pillai : ഇപ്പോഴത്തെ നിയമം ദേഹണ്ഡികൾക്കനുകൂലമല്ല എന്നു പറഞ്ഞു. ൧൦൦൦ രൂപാ കൊടുത്തു ഒററി വാങ്ങിച്ചസ്ഥലം അയാൾ വിട്ടുപോകുമ്പോൾ അയാൾക്കു ൧൨൫൦ രൂപാ കിട്ടുന്നു.

Mr. Tariatu Kunjitomman : അങ്ങിനെ കഷ്ടപ്പെട്ടു വസ്തു ഒഴിപ്പിച്ചുകൊള്ളണമെന്നു ഒരു നിർബന്ധവുമില്ലല്ലോ?

Mr. J. John Kattakayam : അങ്ങിനെ കഷ്ടപ്പെട്ടു ആരെങ്കിലും ദേഹണ്ഡംകെട്ടുക്കാറുണ്ടോ?

Mr. Tariatu Kunjitomman : ഒരിക്കലുമില്ല. പരദേഹണ്ഡം കൊണ്ടുണ്ടായിട്ടുള്ള ആദായത്തെ സ്വായത്തമാക്കിത്തീർക്കാൻ വേണ്ടി ദേഹണ്ഡികളെ അടിച്ചിറക്കാൻ ശ്രമിക്കും. സ്വയമേവ അധഃപതനമു

ണ്ടാകണമെന്നു ആരും ഇഷ്ടപ്പെടുകയില്ല. എല്ലാവരും ന്യായസ്ഥന്മാരായിരുന്നാൽ നിയമങ്ങളുടെ വല്ല ആവശ്യവുമുണ്ടോ?

Mr. K. P. Nilakanta Pillai : സർ, പുതിയപായിന്റുകൾ യാതൊന്നും പറയാതെ ഈ ചവ്വിതചർവ്വണം ചെയ്യുന്നതിനെ അനുവദിക്കാമോ?

Mr. Tariatu Kunjitomman ; പ്രജകളുടെ രക്ഷക്കുവേണ്ടി രണ്ടുവാക്കു സംസാരിക്കാൻപോലും എന്റെ പണ്ഡിതനായ സ്നേഹിതൻ അനുവദിക്കുന്നില്ല. ഞാൻ ബില്ലിലെ ഓരോവകുപ്പും എടുത്തു അതിന്റെ ദോഷങ്ങളെപ്പററി വിവരിക്കയായിരുന്നു. എല്ലാം ദോഷമാണെന്നാണു ഒടുവിൽ പറഞ്ഞു് നിറുത്തിയതു്, അതു ആവർത്തനംതന്നെ.

Chairman : പ്രസംഗം അവസാനിപ്പിക്കാറായോ?

Mr. Tariatu Kunjitomman : ഇല്ല. എനിക്കു ഇനിയും പറയുവാനുണ്ടു്.

Chairman : എന്നാൽ ഉച്ചക്കുമേൽ പ്രസംഗിക്കാം.

The House adjourned for lunch at 1 P. M. and reassemled at 2 P. M. with Mr. K. N. Kesavan Namputhiripad, one of the Panel of Chairmen, in the chair.

Mr. Tariatu Kunjitomman: സർ, ഈ ബില്ലിന്റെ തത്വങ്ങളെപ്പററി പൊതുവെ പ്രസംഗിക്കുകയായിരുന്നല്ലോ ഞാൻ ഇതുവരെ ചെയ്തതു്. ബില്ലിന്റെ ഓരോ വകുപ്പും ദോഷകരമാണെന്നു ഞാൻ പറഞ്ഞു. മൂന്നാം വകുപ്പിനെ ഒരുവിധം വിവരിക്കുകയുംചെയ്തു. ഇനി എനിക്കു പറയാനുള്ളതു് നാലാം വകുപ്പിനെപ്പററിയാണു്.

Mr. K. P. Nilakanta Pillai: May I know whether the member is competent to consider the Bill, clause by clause at this stage?

Chairman : No. He can discuss only the general principles of the Bill at this stage.

ബില്ലിന്റെ പൊതുതത്വങ്ങളെപ്പററിയല്ലാതെ, ബില്ലിന്റെ ഓരോ വകുപ്പിന്റെ ഗുണദോഷങ്ങളെപ്പററിയും ഇപ്പോൾ വിവരിക്കുന്നതു ശരിയല്ല.

Mr. Tariathu Kunjitomman : ബില്ലു പൊതുവേ ദോഷകരമാണെന്നു സ്ഥാപിക്കുവാൻവേണ്ടി ഉദാഹരണമായിട്ടു ചില വകുപ്പുകളെ എടുത്തു വിവരിച്ചു എന്നേയുള്ളു. ഈ ബില്ലു ജനക്ഷേമകരമായിട്ടുള്ളതല്ല എന്നു കാണിക്കുവാൻ ചില വകുപ്പുകളെപ്പററി ഞാൻ പരാമർശിച്ചതാണു്.

Mr. Kochikal P. Balakishnan Tampi: Sir, may I point out that this is an abuse on fair debate, this endless repetition.

Chairman: മെമ്പർ കഴിയുന്നിടത്തോളം ആവർത്തനംകൂടാതെതന്നെ ബില്ലിന്റെ പൊതുതത്വങ്ങളെപ്പററി പറഞ്ഞാൽമതി.

Mr. Tariatu Kunjitomman: ആവർത്തനം കൂടാതെ തന്നെ പറയാൻ ഞാൻ ശ്രമിക്കാം. എല്ലാ ഉൽപന്നങ്ങൾക്കും അപ്പോഴപ്പോഴുള്ള വില അനുസരിച്ചാണ് ഓരോ വസ്തുവിന്റെയും ദേഹണ്ഡവില നിർണയിക്കുന്നതു്. ഇപ്പോഴുള്ള നടപ്പ് അതാണ്. എന്നാൽ ഇവിടെ ഇപ്പോൾ അവതരിപ്പിച്ചിരിക്കുന്ന ബില്ലിൽ പറഞ്ഞിരിക്കുന്നതു സെററിൽമെൻറുകാലത്തെ വിലയെ ഗണിക്കണമെന്നാണ്. അങ്ങനെയാണെങ്കിൽ നാം പുറകോട്ടുപോയി അക്കാലത്തു ഉല്പന്നങ്ങൾക്കുണ്ടായിരുന്ന വില എന്താണെന്നു കണ്ടുപിടിക്കണം. അതു് ദേഹണ്ഡക്കാരനും ജന്മിക്കും വളരെ ദോഷകരമായിട്ടുള്ള ഒരു ഏർപ്പാടാണ്. ഇന്നു ഏതെങ്കിലും ഉൽപ്പന്നങ്ങൾക്കുള്ള വില എന്താണെന്നറിയാൻ പ്രയാസമില്ലല്ലോ. വളരെക്കാലത്തിനുമുമ്പു് ആ സാധനങ്ങൾക്കുള്ള വില എന്തായിരുന്നു എന്നറിയുവാൻ ഇരുകൂട്ടർക്കും വളരെ വിഷമം നേരിടുന്നതായിരിക്കും. അതിനെ സംബന്ധിച്ചുള്ള ശരിയായ തെളിവു ശേഖരിക്കുന്ന കാര്യവും വളരെ ദുഷ്കരമായിട്ടുള്ളതാകുന്നു. ഇതിനു പുറമെ തെങ്ങുകളുടെ ദേഹണ്ഡവില കാണുന്നതെങ്ങനെയാണെന്നു ൯-൧൦ വകുപ്പിൽ പറഞ്ഞിരിക്കുന്നു. ഇതും ഞാൻ വെറും ഉദാഹരണത്തിനുവേണ്ടി പറയുന്നു എന്നേയുള്ളു. കാഫലമുള്ള ഒരു തെങ്ങിന്റെ ദേഹണ്ഡവില നിർണ്ണയിക്കുന്നതു്, ആകെയുള്ള വിലയുടെ മൂന്നിലൊന്നു ജന്മിക്കൂറുതള്ളി പിന്നീടുള്ള മൂന്നിലൊന്നു പൊഴിച്ചിലിനു വേണ്ടിയും തള്ളി ബാക്കിയുള്ള തുകകൊണ്ടാണ്. ഇതുവരെ മൂന്നിലൊന്നു ജന്മിക്കൂറുമാത്രം കൊടുത്താൽ മതിയായിരുന്നു. ഇപ്പോൾ പിന്നെയും ഒരു മൂന്നിലൊന്നു, പൊഴിച്ചിലിനുവേണ്ടി ദേഹണ്ഡക്കാരൻ നഷ്ടപ്പെടേണ്ടതായിട്ടാണിരിക്കുന്നതു്. മറെറാരു വകുപ്പിൽ, ഒരു വസ്തുവിൽ കിണറൊ കുളമൊ മറെറാ ഉണ്ടായാൽ അതു വസ്തുവിന്റെ ഗുണത്തിനുവേണ്ടി വെട്ടിച്ചതാണെന്നു തെളിയിച്ചുകൊണ്ടുവന്നാൽ അതിനു വില കൊടുക്കാമെന്നുള്ളതാണ്. ആരെവിടെ കിണറോ കുളമൊ ഉണ്ടാക്കിയാലും അതു വസ്തുവിന്റെ ഗുണത്തിനനുകൂലമല്ലെന്നു മാത്രമേ ജന്മിമാർ തർക്കിക്കുകയുള്ളു. വാസ്തവത്തിൽ വസ്തുവിൽനിന്നും കൂടുതൽ ആദായം എടുക്കുന്നതിനുവേണ്ടിയായിരിക്കും ദേഹണ്ഡക്കാരൻ അവയെല്ലാം വെട്ടിച്ചിരിക്കുന്നതു്.

എന്നാൽ അവ വസ്തുവിന്റെ ഗുണത്തിനല്ല എന്നു വരുത്തുവാൻ പണപ്രാബല്യവും ജനസ്വാധീനവുമുള്ള ഒരു ജന്മിക്കു നിശ്ചയമായും സാധിക്കും. ദാരിദ്ര്യംകൊണ്ടു വിഷമിച്ചുകിടക്കുന്ന ഒരു ദേഹണ്ഡക്കാരനു എങ്ങനെയാണ് അതിനുള്ള എതിരുതെളിവു കൊടുക്കാൻ കഴിയുന്നത്? അവന് കണ്ണുനീരും കയ്യുമായി പോകേണ്ടിവരും. ഇങ്ങനെ നോക്കുമ്പോൾ ദേഹണ്ഡക്കാരന് മുമ്പുണ്ടായിരുന്ന ഗുണങ്ങൾപോലും ഈ ബില്ലുകൊണ്ടില്ല. കർഷകജനങ്ങൾക്കു എല്ലാത്തരത്തിലുമുള്ള പ്രോത്സാഹനം കൊടുക്കുക എന്നുള്ളതാണ് രാജ്യക്ഷേമത്തിനു ഏററവും അത്യാവശ്യമായി ചെയ്യേണ്ട ഒരു കൃത്യം. എന്നാൽ ഇവിടെ ഏതു കാര്യം വന്നാലും അവർക്കു ന്യായമായ അനുക്രൂല്യം കിട്ടുന്നില്ല. അവരുടെ പരിശ്രമങ്ങൾക്കു യാതൊരു വിലയും പ്രതിഫലവും ലഭിക്കുന്നില്ല എന്നുള്ള നിരാശ അടിക്കടി അവർക്കുണ്ടായിക്കൊണ്ടിരിക്കുന്നു.

Mr. Komilezhathu Sankaran: ജന്മികുടിയാൻ റെഗുലേഷൻ പ്രസായതനുസരിച്ച് കുടിയാനവനു ലഭിച്ചിട്ടുള്ള ഗുണങ്ങളുടെ ശതാംശം ഗുണം ഈ ബില്ലുകൊണ്ടവനു ലഭിക്കുന്നുണ്ടോ?

Mr Tariatu Kunjitomman : ശതാംശമല്ല, സഹസ്രാംശംപോലുമില്ല; എന്നുപറഞ്ഞാൽ ദോഷമൊന്നുമില്ലെന്നുള്ള ഒരു ധ്വനി ഉണ്ടാവാം. ഈ ബില്ല് അങ്ങനെയുമല്ല ഗുണമൊട്ടുമില്ലെന്നുതന്നെയുമല്ലാ. ഭയങ്കരമായ ദോഷങ്ങൾ മൂലംകൊണ്ടു കുടിയാനവനുണ്ടെന്നുമുണ്ട്. ഇങ്ങനെ ഓരോവകുപ്പിനെ എടുത്തുനോക്കിയാലും കുടിയാനവനു ദോഷകരമാണെന്നു കാണാം. എന്നാൽ ഓരോവകുപ്പും എടുത്തു പ്രസ്താപിക്കുന്നതു് ശരിയല്ലാത്തതിനാൽ ഞാൻഅങ്ങനെ ചെയ്യുന്നില്ല. തത്വത്തോടു യോജിക്കാതിരിക്കുവാൻ ബില്ലിൽതന്നെ മുഴച്ചുനിൽക്കുന്ന ചില വകുപ്പുകളെ പ്രത്യേകം എടുത്തുകാണിച്ചു എന്നേയുള്ളു. എല്ലാവൃക്ഷങ്ങൾക്കും ദേഹണ്ഡിച്ചിട്ടുണ്ടെങ്കിലും ഇല്ലെങ്കിലും വില കൊടുക്കാൻ പാടില്ലെന്നു ബില്ലിൽ വ്യവസ്ഥചെയ്തിട്ടുണ്ട്. അവ താനെ വളരുന്ന വൃക്ഷങ്ങളും കായ്ഫലങ്ങൾ തരാത്ത വൃക്ഷങ്ങളുമാണ്.

Mr. Komilezhathu Sankaran : അങ്ങനെ വളരുന്ന വൃക്ഷങ്ങളും ദേഹണ്ഡക്കാരൻ വേണ്ടവിധം സംരക്ഷിച്ചില്ലെങ്കിൽ നശിച്ചു പോകയില്ലയോ?

Mr. Tariatu Kunjitomman: ദേഹണ്ഡക്കാരൻ അവയെ ശരിയായി സംരക്ഷിക്കണം. ഇല്ലെങ്കിൽ നിശ്ചയമായും അവ നശിച്ചുപോകും. കൊടിക്കും തെങ്ങിനും മററും മൂന്നിലൊന്നു പൊഴിച്ചിൽവില

[Mr. Tariatu Kunjitomman.]

തള്ളി ബാക്കിയുള്ളതേ ദേഹണ്ഡക്കാരനു കിട്ടുകയുള്ളു. പിന്നെ വല്ല കെട്ടിടങ്ങളോ, കിണറുകളോ മററോ വെട്ടിച്ചാൽ അതിനും അവനൊന്നും ലഭിക്കുകയില്ല. കിണറു, കുളങ്ങൾ മുതലായവ ഒരു വസ്തുവിന് സ്ഥിരമായ ആദായമുണ്ടാകുന്നവയാണോ എന്നു തീരുമാനിക്കുന്ന കാര്യം തർക്കത്തിൽതന്നെ ഇരിക്കുന്നു. തെങ്ങിന്റെ കാര്യം ഞാൻ മുൻപു പറഞ്ഞതുപോലെയാണ്. മററു വൃക്ഷങ്ങളുടെ കാര്യവും മേൽപടിതന്നെ. ഇങ്ങനെ ദേഹണ്ഡക്കാർക്ക് ദോഷകരമായിട്ടാണ് ഓരോ വകുപ്പും ഇരിക്കുന്നത്. ഞാൻ ഇങ്ങനെ ഓരോ വകുപ്പിനെപ്പററിയും പറയുന്നത് പണ്ഡിതന്മാരായ എന്റെ സ്നേഹിതന്മാർക്ക് നിയമവിരുദ്ധമായി തോന്നുമായിരിക്കും. ഈ പണ്ഡിതന്മാരായ നിയമജ്ഞന്മാരാരും ഈ സാധുക്കളായ ദേഹണ്ഡക്കാരുടെ കേസുകൾ പ്രതിഫലംകൂടാതെ പറഞ്ഞു തീർക്കുമെന്നു എനിക്കു വിശ്വാസമില്ല. അവിടെ അവരെല്ലാവരും രൂപ-അണ-പൈ ക്കാരാണ്. ദേഹണ്ഡക്കാരനു ഈ കേസെല്ലാം പറയുന്നതിനു പണമില്ല. അതുകൊണ്ടു കാര്യങ്ങൾ തെളിവിനു വരുമ്പോൾ ദേഹണ്ഡക്കാരന് അനുകൂലമായ കാര്യങ്ങൾ തെളിവിൽ വരുത്തുക എന്നുള്ളതു വളരെ വിഷമകരമായ ഒന്നായിരിക്കും. വ്യക്തമായി കാണുന്നതുതന്നെ ദോഷദുഷ്ടമാണെന്നു കാണുന്ന സ്ഥിതിക്കു, ഈ ബില്ലിൽ അവ്യക്തമായി കാണുന്ന സംഗതികൾ എത്ര ഭയങ്കരമായിരിക്കുമെന്നുള്ളതു് ആർക്കും ചിന്തിച്ചാൽ മനസ്സിലാക്കാൻ കഴിയുന്നതാണ്. വ്യക്തതയുടെ ദോഷത്തെക്കാൾ വളരെ ഭയങ്കരമായിരിക്കും അവ്യക്തതവരുത്തുന്ന ദോഷം. വാദിക്കുന്ന വക്കീലിന്റെ പാണ്ഡിത്യവും കേസുകൾ നടത്തുന്ന കക്ഷികളുടെ പ്രാബല്യവും അനുസരിച്ച് ഈ അവ്യക്തതയെ വ്യാഖ്യാനിക്കുവാൻ കോടതികൾ നിർബന്ധിതരായിത്തീരും. ആ അവസരങ്ങളെല്ലാം ദേഹണ്ഡക്കാരനു പ്രതികൂലമായി ഭവിക്കുകയേ ഉള്ളൂ എന്നുള്ളതിനു എനിക്കു സംശയമില്ല. വളരെ ചെലവുചെയ്തും വളരെ പ്രയത്നപ്പെട്ടും മാത്രമേ ഈ അവ്യക്തതയുടെ ദോഷമില്ലാതാക്കുവാൻ ഒരു ദേഹണ്ഡക്കാരനു സാധിക്കുകയുള്ളൂ. ഇതിനുള്ള കഴിവു സാധാരണ ദേഹണ്ഡക്കാരനുണ്ടായിരിക്കയില്ല. അതും ഈ ബില്ലു ദേഹണ്ഡക്കാരനു ദോഷകരമാണെന്നു പറയുന്നതിന് എനിക്കു ഒരു നല്ല കാരണമാകുന്നു. ഇവയെല്ലാം തങ്ങൾക്കു് അനുകൂലമായ തെളിവിൽ വരുത്തുവാൻ ജന്മിമാർക്കു സാധിക്കും. ദരിദ്രന്മാരായ കുടിയാനവന്മാർക്ക് അതെങ്ങനെ സാധിക്കും? പോരെങ്കിൽ തേങ്ങക്കും കുരുമുളകിനും ഇപ്പോൾ വില വളരെ

കറഞ്ഞിരിക്കുന്നു. അതിനാൽ അവരും അവരുടെ കുഞ്ഞുങ്ങളും കഷ്ട തയിൽ ആണ്ടുകിടക്കുന്നു. ഉള്ള സ്ഥലത്ത് അവൻ ചെയ്ത പ്രയത്നത്തിനുള്ള പ്രതിഫലം ശരിയായി കിട്ടുന്നതിനുപോലും അവനു നിവൃത്തിയില്ലെന്നു വരുത്തുന്നതു് വളരെകഷ്ടമാണു. അതിനാൽ ഈ ബില്ല് ഒരിക്കലും അനുവദിക്കാൻ പാടുള്ളതല്ല.

ഇനി ജന്മിയുടെ അനുവാദംകൂടാതെ ദേഹണ്ഡിക്കാൻ പാടില്ല എന്നുള്ള വകുപ്പും ഇതിലുണ്ട്. ഇതു് അവന്റെ ജീവിതത്തിനുതന്നെ ഒരു വലിയ പ്രതിബന്ധമാണു്. ദേഹണ്ഡമാണു് അവന്റെ തൊഴിൽ. നിയമം ഈവിധത്തിൽ പാസാക്കൽ അവന്റെ തൊഴിൽ മുട്ടിപ്പോകും. ഒരാളിനോടു ശ്വസിക്കാൻപാടില്ല എന്നു പറഞ്ഞാൽ ഒക്കുമോ? ശ്വസിക്കാതെ അവൻ എങ്ങനെ ജീവിക്കും? അതുപോലെയാണു് ഈ വകുപ്പും ശാസിക്കുന്നതു്. അവനെ തേജോവധം ചെയ്യുകയാണു് ഈ വകുപ്പുകൊണ്ടു സാധിച്ചിരിക്കുന്നതു്. പിന്നെ അവൻ ചെയ്യേണ്ടതെന്താണു്? അവനു ദേഹണ്ഡിക്കണമെങ്കിൽ കോടതിയുടെ അനുവാദംവേണം. എങ്ങനെയാണു് സാധുവായ ഒരു ദേഹണ്ഡക്കാരനു് കോടതിയുടെ അനുവാദം സമ്പാദിക്കുവാൻ കഴിയുന്നതു്? ഈവക കാര്യങ്ങൾ നിയമത്തിൽ പെടുത്തിയിട്ടുണ്ടെന്നുള്ള വിവരംപോലും അവനറിഞ്ഞുകൂടാ. അതുകൊണ്ടു് അവനെ ദേഹണ്ഡിപ്പിക്കുവാൻ പൂർണ്ണമായ സ്വാതന്ത്ര്യമുള്ളവനാക്കി വിടേണ്ടതു് അത്യാവശ്യമാണു്. അവന്റെ ജോലി വസ്തു ദേഹണ്ഡിക്കുക എന്നുള്ളതാണു്. അതിനാണു് ഇവിടെ പ്രതിബന്ധം വന്നിരിക്കുന്നതു്. അവനും അനങ്ങാൻവയ്യാ. പിന്നെന്തുചെയ്യും? അവനു് ഉദ്യോഗങ്ങൾ കൊടുക്കുമോ? വേറെ എന്തു തൊഴിലാണു് അവൻ ചെയ്യേണ്ടതു്? വേറെ എന്തു വ്യവസായത്തിലാണു് അവൻ ഇടപെടേണ്ടതു്? ശരി, അവന്റെ കാലും കയ്യും കെട്ടിഇട്ടേച്ചാൽ അവനു് ആഹാരമെങ്കിലും കൊടുക്കുമോ? കോടതിയുടെ അനുവാദമുണ്ടെങ്കിൽ മാത്രമേ അവനു ദേഹണ്ഡിക്കാവൂ എന്നു രൂക്ഷമായി ശാസിക്കുന്നതു് അവനോടു ചെയ്യുന്ന ഭയങ്കരമായ ഒരനീതിയാണു്. അവൻ മൺവെട്ടിയും കന്താലിയും എടുത്തുകൊണ്ടു് എവിടെ പോകണം?

Mr. M. N. Paramesvaran Pillai: ജന്മിയുടെ ആധാരപ്രകാരം ദേഹണ്ഡിക്കുന്ന ആളുകളെപ്പററിയാണോ മെമ്പർ സംസാരിക്കുന്നതു്? അതോ കൂലിവേലക്കാരെപ്പററിയോ?

Mr. Tariatu Kunjitomman: ആധാരപ്രകാരം ദേഹണ്ഡിക്കുന്നവരുണ്ടായിരിക്കാം. എന്നാൽ ഒരാളിന്റെ കുടികിടപ്പിൽതന്നെ

[Mr. Tariatu Kunjitomman.]

കിടന്നുകൊണ്ട് കഴിവുള്ള ദേഹണ്ഡങ്ങൾചെയ്ത് ജീവിക്കുന്ന അനേകം ആളുകളും ഉണ്ടു. അവർ യാതൊരാധാരപ്രകാരവുമല്ലായിരിക്കും ദേഹണ്ഡിക്കുന്നത്. അങ്ങനെ ദേഹണ്ഡിക്കുന്ന അനേകായിരംപേരെ എനിക്കറിയാം. അവരെയെല്ലാം വഴിയാധാരമാക്കി വിടണമെന്നാണോ പറയുന്നത്? ഒരുവിധം മാന്യതയും യോഗ്യതയും ഉള്ളവർ കീഴ്നടപ്പനുസരിച്ചും പരസ്പരവിശ്വാസത്തോടുകൂടിയും ഈ വക ദേഹണ്ഡങ്ങൾക്കു പ്രതിഫലം കൊടുത്തും വരുന്നുണ്ട്. ഈ ബില്ല് നിയമമായിവന്നാൽ അങ്ങനെ ദേഹണ്ഡിക്കുന്നവന്റെ പൊറുതി മുട്ടിപ്പോകും. 'നീ അവിടെ ഒരിടത്തു താമസിച്ചുകൊള്ളുക', എന്നുള്ള ജന്മിയുടെ ഒരു വാക്കുമാത്രം കിട്ടിയാൽ മതി, അവൻ അവിടെപോയി കാടുവെട്ടിത്തെളിച്ച് ആ സ്ഥലങ്ങളെല്ലാം കേരവൃക്ഷങ്ങളെക്കൊണ്ടും മുളകുകൊടികളെക്കൊണ്ടും നിബിഡമാക്കിത്തീർക്കും. അങ്ങനെ ചെയ്തു എന്നുള്ളതിനു രേഖയില്ലപോലും. ഈ രേഖ എന്നുണ്ടായി? മുമ്പ് രജിസ്റ്റർചെയ്യുന്ന ഏർപ്പാടുതന്നെ ഇല്ലായിരുന്നല്ലോ. കുറെ ഭൂമി ജന്മി അവനുകൊടുത്ത് അതിൽ ദേഹണ്ഡിച്ചുകൊള്ളുവാൻ പറയും. ജന്മി അങ്ങനെ പറയുന്നത് വളരെ ആഹ്ലാദകരമായ ഒരു വാർത്തയായിട്ടാണ് അവൻ ഗണിക്കുന്നത്. രേഖ വേണമെന്നാണ് ഇപ്പോൾ പറയുന്നത് എങ്ങനെ രേഖ ഉണ്ടാകാനാണ്. എന്തിനു, താനെ വളരുന്നതിനു വിലയില്ല, കോടതിയുടെ അനുവാദംകൂടാതെ ദേഹണ്ഡിക്കാൻപാടില്ല, പൊഴിച്ചിൽ എന്ന പേരിൽ മൂന്നിലൊന്നു വില നഷ്ടപ്പെടണം എന്നിങ്ങനെ ഓരോന്നോരോന്നായി ഒരു ദേഹണ്ഡക്കാരന്റെ ദേഹണ്ഡത്തിന് ഒരു വിലയും ഇല്ലാതാക്കിത്തീർത്തു ഈ ബില്ലെന്നു പറയുവാൻ ഞാൻ അശേഷവും മടിക്കുന്നില്ല. ഈ ബില്ലു പാസാകുന്നപക്ഷം അവനു വേറെ ഗത്യന്തരമില്ല. ദേഹണ്ഡികളായ പ്രജാസഞ്ചയത്തിന്റെ ഇടയിൽ സഞ്ചരിച്ചു അവരുടെ തൊഴിൽ മാഹാത്മ്യത്തെപ്പറ്റിയും ഇപ്പോഴത്തെ തൊഴിലില്ലായ്മയെപ്പറ്റിയും മററും ശരിയായി അറിഞ്ഞിട്ടുള്ള ഒരാളാണ് ഞാൻ. ഞാൻ ഭൂമിയിൽ ദേഹണ്ഡിക്കുന്ന ഒരു ദേഹണ്ഡിയല്ല. എന്റെ ഭൂമി തന്നെ ദേഹണ്ഡത്തിനു കൊടുത്തിട്ടുണ്ട്. എന്നാലും അവരോടു നിർദ്ദയമായി പെരുമാറണമെന്ന് ഞാൻ വിചാരിക്കുന്നില്ല. പരസ്പരം സൌഹാർദ്ദത്തിലും ദാക്ഷിണ്യത്തിലും നീതിക്കും മര്യാദക്കും ഒത്തവണ്ണം പെരുമാറേണ്ടതാണ്.

Mr. Komilezhathu Sankaran: ഒരു ദേഹണ്ഡക്കാരൻ അനുവാദംകൂടാതെ ദേഹണ്ഡിക്കുമ്പോൾ ഓരോന്നിനും ഇത്ര ഇത്ര വില

കിട്ടുമെന്നുള്ള പ്രതീക്ഷയോടുകൂടിയല്ലേ ദേഹണ്ഡിക്കുന്നതു്? ഈ ബില്ല് പാസ്സാകുന്നപക്ഷം അങ്ങനെയുള്ള ദേഹണ്ഡങ്ങൾക്കു് അവന്റെ പ്രതീക്ഷക്കനുസരണമായ വില കിട്ടുമോ?

Mr. Tariatu Kunjitomman: ബില്ല് പാസ്സാകുന്നപക്ഷം ആ പ്രതീക്ഷ കേവലം അസ്ഥാനത്തിലായിപ്പോകുമെന്നുള്ളതിനു യാതൊരു സംശയവുമില്ല.

ഇന്ന സ്ഥലത്തു ദേഹണ്ഡംചെയ്തു ഉപജീവിച്ചുകൊള്ളാമെന്നുള്ള സുസ്ഥിരമായ വിശ്വാസത്തോടുകൂടിയാണു് ദേഹണ്ഡക്കാരൻ മൺവെട്ടിയും വെട്ടുകത്തിയുമായി സ്ഥലത്തേക്കു പോകുന്നതു്. ഈ രാജ്യത്തെ ഐശ്വര്യസമ്പത്തിന്റെ അടിസ്ഥാനം കർഷകജനങ്ങളിലാണു് സ്ഥിതിചെയ്യുന്നതു്. വിശേഷിച്ചും ഈ ദേഹണ്ഡികളാണു് രാജ്യശ്രീയാകുന്ന നദിയുടെ ഓരോ പുഴയിലും ചാലിലും ജലം നിറയ്ക്കുന്നതു്. ശ്രീവാഴുംകോടിന്റെ സ്ഥിതി ഇതു പരിപുഷ്ടമാക്കിത്തീർക്കുന്നതും അവരാണു്. അവർക്കുവേണ്ടിയാണു് ഞാൻ വാദിക്കുന്നതു്. അല്ലാതെ എനിക്കുവേണ്ടിയല്ല. അങ്ങനെയുള്ള അനവധിലക്ഷം ജനങ്ങൾക്കുവേണ്ടി—ഇവിടെ സംസാരിക്കുവാൻ അനുവാദം ഇല്ലാത്ത ജനങ്ങൾക്കുവേണ്ടി—സംസാരിക്കുന്നതു് അവരുടെ പ്രതിനിധികളായി വന്നിരിക്കുന്ന ഇവിടെയുള്ള ചില മെമ്പറന്മാർക്കു് വിസമ്മതമായിത്തീരുന്നുണ്ടെങ്കിൽ അതിനെപ്പററി ഞാൻ സഹതപിക്കുന്നു. നമ്മുടെ രാജ്യപുരോഗതിയുടെ എല്ലാം അടിസ്ഥാനം ദേഹണ്ഡക്കാരിലാണു് സ്ഥിതിചെയ്യുന്നതു്. അതുകൊണ്ടു് അവരെ പ്രോത്സാഹിപ്പിക്കണം. എങ്കിലല്ലാതെ മററുള്ളവർക്കു് പ്രോത്സാഹനങ്ങൾ കിട്ടുകയില്ല. കർഷകജനങ്ങളുടെ ഉറവയിൽനിന്നും ഊറുന്ന ജലംകൊണ്ടുവേണം മററു സകല വിഭാഗക്കാരും തഴച്ചു വളർന്നുവരുവാൻ. ഈ ഉറവ വററിപ്പോയാൽ മററുള്ളവ എല്ലാം വററും. ഞാൻ മുമ്പൊരിക്കൽ പറഞ്ഞതുപോലെ വക്കീലന്മാർ, വൈദ്യന്മാർ, മുതലായ സകല ആളുകളും കർഷകന്റെ അഭിവൃദ്ധിയെ ആശ്രയിച്ചാണു് ജീവിക്കുന്നതു്.

Mr. K. P. Nilakanta Pillai: Sir, I beg to bring to the notice of this House that this is nothing but the abuse of the right of speech.

Chairman: കഴിയുന്നിടത്തോളം കാര്യഭാഗം മാത്രം പറഞ്ഞു് പ്രസംഗം എളുപ്പത്തിൽ അവസാനിപ്പിക്കണം.

Mr. Tariatu Kunjitomman: സർ, എന്റെ മനസ്സിൽ, ഈ ബില്ലിനെപ്പററി ചിന്തിക്കുമ്പോൾ അലതല്ലിപ്പോകുന്ന വികാരപര

[Mr. Tariatu Kunjitomman.]

ന്മാരകൾ എന്തെല്ലാമാണെന്നു ഇവിടെ വിവരിക്കുവാൻ എന്റെ വാക്കുകൾക്കു ശക്തിപോരാ.

Mr. M. N. Paramesvaran Pillai : അനേകം ആളുകൾക്കു കൃഷിചെയ്യാൻ സ്ഥലം ഇല്ലാതിരുന്നിട്ടും മന്നാൻകണ്ടം മുതലായ സ്ഥലങ്ങൾ ലേലംചെയ്യുമ്പോൾ വലിയജന്മികളായിട്ടുള്ളവർ ഇരുനൂറുംമുന്നൂറും ഏക്കർ സ്ഥലംവീതം അവരുടെ പേരിൽ പതിപ്പിക്കാറില്ലയോ?

Mr. Tariatu Kunjitomman : അങ്ങനെ ജന്മിമാർ വാങ്ങിച്ചിട്ടുണ്ടോ എന്നു എനിക്കറിഞ്ഞുകൂടാ. ഞാൻ വാങ്ങിച്ചിട്ടില്ല.

Mr Komilezhathu Sankaran: ആ വസ്തുക്കളെല്ലാം കാണപ്പാട്ടത്തിനു കൊടുത്തു ദേഹണ്ഡക്കാരെക്കൊണ്ടു ദേഹണ്ഡിപ്പിച്ചുകൊള്ളാമെന്നുള്ള വിചാരംകൊണ്ടല്ലേ ജന്മിമാർ മേടിക്കുന്നതു്?

Mr. Tariatu Kunjitomman : ജന്മിമാർ സ്വയമേവ പ്രയത്നിക്കുന്നവരല്ല. വസ്തുക്കൾ ദേഹണ്ഡത്തിനു കൊടുക്കുകയാണു് അവരുടെ പതിവു്.

Mr. J. John Kattakayam: കർഷകരെക്കൊണ്ടു പ്രയത്നിപ്പിച്ചു് ഈ വസ്തുവിൽനിന്നുള്ള ആദായം എടുത്തുകൊള്ളാമെന്നുള്ള വിചാരം കൊണ്ടല്ലേ ഇവരെല്ലാം വസ്തുക്കൾ വാങ്ങുന്നതു്?

Mr. Tariatu Kunjitomman : അങ്ങനെ വിചാരിച്ചു വസ്തുക്കൾ മേടിക്കുന്നവരാണധികവും. ഞാൻ ഇതു മുമ്പുതന്നെ പറഞ്ഞു കഴിഞ്ഞു. പെൻഷൻറു ഉദ്യോഗസ്ഥന്മാർ, മററു പണക്കാർ മുതലായവരാണു് വസ്തുക്കൾ വാങ്ങാൻ വരുന്നതു്. അവർക്കാർക്കും പ്രയത്നിക്കാൻ വേണ്ടിയല്ല വസ്തു വാങ്ങുന്നതെന്നു നമുക്കറിയാമല്ലോ.

Mr. Komilezhathu Sankaran : ഈ ബില്ലു പാസാക്കി കിട്ടിയാൽ മന്നാൻകണ്ടം ലേലത്തിൽ പിടിക്കുന്ന ആളുകൾ ഈ ദേഹണ്ഡക്കാരെക്കൊണ്ടു് ആ വസ്തുക്കൾ ദേഹണ്ഡിപ്പിക്കുകയില്ലേ?

Mr. Tariatu Kunjitomman : അതു കണ്ടുതന്നെ അറിയണം. വസ്തുവിൽ ദേഹണ്ഡംചെയ്യുന്നതിന് ഇനി ആരെങ്കിലും തയ്യാറാകുമോ എന്നുള്ളകാര്യം എനിക്കുവളരെ സംശയമാണ്.

Mr. J. John Kattakayam : ഈ ബില്ലു പാസാകുന്നപക്ഷം ഈ രാജ്യത്തെ തരിശുഭൂമികളുടെ വിസ്തീർണ്ണം വർദ്ധിക്കുകയും അങ്ങനെ കൃഷി അധഃപതിക്കയും ചെയ്യുകയില്ലേ?

Mr. Tariatu Kunjitomman : അതിനു സംശയമില്ല.

Mr. M. N. Paramesvaran Pillai : Sir, is it not a hypothetical question that the member puts,

Mr. Tariatu Kunjitomman : സർ, ഈ ബില്ല പാസായാൽപിന്നെ ചുക്ക, കുരുമുളക, മുതലായ കാർഷിക ഉൽപ്പന്നങ്ങൾ വളരെ കാഞ്ഞു പോകും. ഈ ദേഹണ്ഡകാരാണ് ഇവയെല്ലാം കൃഷിചെയ്യുന്നതു. ഗവണ്മെൻറിന ആദായമുണ്ടാക്കുന്ന കൃഷികളാണ് ഇവയെല്ലാം. ഏകദേശം ൩൦ ലക്ഷം രൂപയോളം ഗവണ്മെൻറിന ഈ വകയിൽനിന്നെല്ലാമുള്ള കയററുമതിതീരുവയിൽനിന്നും ലഭിക്കുന്നുണ്ട്. ജന്മികളല്ല ഈ ഉൽപ്പന്നങ്ങളെല്ലാം വിളയിക്കുന്നതു്. മുളകിൽനിന്ന തന്നെ ഗവണ്മെൻറിന രണ്ടര ലക്ഷം രൂപ കയററുമതിതീരുവ കിട്ടുന്നുണ്ട്. ഇങ്ങനെ നാട്ടിനും രാജ്യത്തിനും ഗവണ്മെൻറിനും വരുമാനം ഉണ്ടാക്കുന്ന കർഷകരെ, അവർ താമസിച്ച ദേഹണ്ഡിക്കുന്ന സ്ഥലത്തുനിന്നും ഒന്നും കൊടുക്കാതെ കഴുത്തിനപിടിച്ച പുറത്തിറക്കണമെന്ന നിഷ്കർഷിക്കുന്ന ഈ ബില്ല് ഒരിക്കലും പാസാക്കിക്കൂടാ. ഈ ബില്ല് പാസ്സാകുന്നപക്ഷം അതു് ധർമ്മരാജ്യത്തിന ഒരു വലിയ കളങ്കമായി ഭവിക്കും. അതിന നാം ഒരിക്കലും അനുവദിച്ചുകൂടാ. പ്രശസ്തിയിലും പുരോഗതിയിലും ഇന്നു് യാതൊരു രാജ്യവും നമ്മുടെ രാജ്യത്തെകവിഞ്ഞു നിൽക്കുന്നില്ലെന്ന നാം അഭിമാനിക്കുന്നുണ്ടല്ലോ. ആ രാജ്യത്തിന ഒരു തീരാക്കളങ്കം ഉണ്ടാക്കിവയ്ക്കരുതെന്നാണ് ഞാൻ പറയുന്നതു.

Chairman: ഈ ബില്ലിനെപ്പററി മററു മെമ്പറന്മാർ സംസാരിക്കാനുള്ളതുകൊണ്ടു് മെമ്പർ ഒന്ന രണ്ട മിനിട്ടുകൊണ്ട പ്രസംഗം അവസാനിപ്പിക്കണം.

Mr. Tariatu Kunjitomman : ഇൻഡ്യ ഒട്ടുക്കും വിദേശങ്ങളിലും പരത്തിക്കൊണ്ടിരിക്കുന്ന ഈ രാജ്യത്തിൻെറ പ്രശസ്തിയെ പരിരക്ഷിക്കണമെങ്കിൽ ഈ ബില്ല പാസ്സാകാതിരിക്കണമെന്നാണ് ഞാൻ പറയുന്നതു്. അതോടുകൂടി തൊഴിലും നശിക്കും. ജനങ്ങൾ തമ്മിൽ കലഹിക്കുന്നതിന് ഇടവരും. തൊഴിൽ ഇല്ലാതെ വരുമ്പോൾ രാജ്യം ഒട്ടാകെ പ്രക്ഷോഭണങ്ങൾ ഉണ്ടായിക്കൊണ്ടിരിക്കും. ഇതൊന്നും ഈ രാജ്യത്തുണ്ടാവരുതെന്ന അനുഗ്രഹിക്കുന്നുണ്ടെങ്കിൽ ഈ ബില്ല പാസ്സാക്കാൻ അനുവദിച്ചുകൂടാ. ഇത്രയും പറഞ്ഞുകൊണ്ടും എൻെറ മനസ്സാക്ഷിയെ അനുസരിച്ചുകൊണ്ടും ദേഹണ്ഡിച്ച ഉപജീവനം കഴിക്കുന്ന പരസഹസ്രം ജനങ്ങളുടെ ഹൃദയവേദനയെ അനുസ്മരിച്ചുകൊണ്ടും ഈ ബില്ല നിയമമാക്കുന്നതിലുള്ള എൻെറ പ്രതിഷേധത്തെ ഇവിടെ പ്രകടിപ്പിച്ചുകൊള്ളുന്നു.

Mr. K. P. Nilakanta Pillai: Sir, I also wish to make a few observations regarding this Bill. From the discussions that have so far taken place it seems that honourable members have made a thorough attempt to confuse the Bill and its various provisions. One thing has been brought very clearly before the House, that there is a very real necessity for a Bill of the kind. From the speeches of the various members it was practically conceded that the decisions of the High Court on this point *i. e*, on the question of ascertaining the value of improvements, are not uniform. The trend of the decisions is not the same ; there are conflicting decisions on several points made from time to time. Therefore a Bill with some definite provisions to settle this matter for ever is highly necessary. That seems to be the main point elaborated at length by many of the learned speakers who opposed the principles of this Bill. Having conceded that, the task of the House has been rendered easy. I think there is absolutely no difference of opinion reflected from the non-official gentlemen of this House. I am very sorry that many of the learned members who made very bombastic speeches have made a mess of all relevant and irrelevant points. They did not put one point before the House to convince what exactly is the principle that they were opposing.

Mr. M. Govindan: May I know from the member what is the single point on which there is agreement ?

Mr. K. P. Nilakanta Pillai: I have made it very clear. The decisions are conflicting and therefore there is necessity for a Bill and the provisions ought to be made more clear or definite.

Mr. M. Govindan: May I assure my friend that in my speech I never said that the decisions were in conflict ?

Mr. K. P. Nilakanta Pillai: In spite of all the assurance. I would rather think that my friend's memory has weakened a little.

Mr. E. P. Varghese: May I know from the member whether there is any conflict about awarding compensation after decree ?

Mr. K. P. Nilakanta Pillai: Sir, I am unwilling to answer that question.

Honourable members have thoroughly misunderstood what exactly is the purpose for which the introduction of the Bill is made before the House.

Mr. Komliezhathu Sankaran: May I know whether any long speech was made by the mover of this Bill in this House?

Mr. K P. Nilakanta Pillai: He knew his business perfectly well and he confined himself to the relevant portions of the Bill.

Mr. M. Govindan: May I know whether I have spoken any irrelevant matter in my speech ?

Mr.. K. P. Nilakanta Pillai : I am going to deal at length with reference to a lot of irrelevant matters... ....

Mr. Komilezhathu Sankaran : Sir, I rise to a point of order. Is it not a reflection on the Chair to say that a lot of irrelevant matters has been spoken here?

Mr. K. P. Nilakanta Pillai Sir, I do not understand why the Chair should be brought into this. I have been very considerate when the other members were speaking. I request that the same consideration may be shown to me. Mr. Govindan demands my attention first and he put the question to me whether he was observing that there was a lot of conflict in the decisions. My point is that there is uniformity so far as this point is considered *viz.*, that there is a real necessity for a Bill of this kind.

Mr. M. Govindan : May I know from the member the page in which the remark that there is conflict of decisions was made by" Mr. Govindan"?

Mr K. P. Nilakanta Pillai : The last number of the proceedings of the last session.

Mr. M. Govindan : Page, please?

Mr. K. P. Nilakanta Pillai : I am concerned only with the subject-matter; I am not concerned with the page.

Mr. M. Govindan : I thought the member will have memory enough to remember the page.

Mr. K. P. Nilakanta Pillai : If I remember correct, Sir, the learned speech of the interruptor which extended for about two hours — ... ...

Mr. E. P. Varghese: Is the member in order in referring to another member as 'interruptor'?

Mr. K. P. Nilakanta Pillai : The questioner, Sir, the honourable member who put the question... ....

Mr. Komilezhathu Sankaran : I wish to put a question.

Mr. K. P. Nilakanta Pillai : I am just answering one question.

Mr. Komilezhathu Sankaran : Is the member in order, when he had not been able to refer to the page of the proceedings on which he relies even after being interrogated upon it, in pursuing the point further?

Mr. K. P. Nilakanta Pillai : I refuse to answer that question; and I suppose I would be perfectly in order in refusing to answer it.

Mr. Komilezhathu Sankaran : I did not want any answer from the member. I did not put any question to him. I raise a point of order for ruling by the Chair.

Mr. K. P. Nilakanta Pillai: Sir, there were only two points, so far as I could see in the learned speech of the honourable member Mr. Govindan. His main point was that, in valuing improvements, all the bunches of cocoanuts in a cocoanut tree including those in the womb, must be taken into account. On this point alone his observations extended to about three pages. Sir, this is a minor detail in the Bill which can be rectified at any stage. I never thought that the time of this House would be taken up to expatiate on this small matter when the motion before the House relates to the main principles underlying the Bill.

Mr. M. Govindan: May I know from the member whether the share of the tenant out of the value of improvements is not an important matter in connection with this Bill?

Mr. K. P. Nilakanta Pillai: That is exactly my point. It is because I consider that the tenants' share is an important matter that I say that this Bill, which determines such share beyond doubt, is necessary. That is the very reason why we should have a Bill like this.

Mr. M. Govindan: May I ask whether this Bill, when it was originally introduced elsewhere, was called "The Valuation of Improvements Bill". and that now it is called "The Compensation for Improvements Bill"?

Mr. K. P. Nilakanta Pillai: I am not concerned with how the Bill was called here or elsewhere. We are now concerned with the Bill, its Title and its Preamble, as we find them here. There is no use going into the history of the Bill.

Mr. M. Govindan: May I know ....

Mr K. P. Nilakanta Pillai: I request the protection of the Chair.

Mr. M. N. Paramesvaran Pillai: I rise to a point of order. When the member in possession is not prepared to yield, can other members persist in interrupting him?

Chairman: The member in possession is not necessarily bound to answer questions put to him.

Mr. M. Govindan: May I ask whether, in the valuation of improvements in a cocoanut garden the calculation of the number of nuts is not an important matter?

Mr. K. P. Nilakanta Pillai: Sir, I was addressing this House that many of the flaws.........

Mr. Komilezhathu Sanakaran: Is the member in order in saying 'I was *addressing* the House'? The privilege of addressing the House is available only to the Chair.

Mr. K. P. Nilakanta Pillai: That is the privilege of the English language, Sir. (*Laughter.*)

Many of the flaws pointed out in this Bill have emanated purely from imagination. As a matter of fact, a thorough study of the provisions of the Bill will show that the provisions are not capable of the interpretation which my friends have been labouring to put upon them. For instance, it has been dealt with at length that under this Bill only trees recognised during the last Settlement should be taken into account in fixing the value of improvements. Sir, there is no such provision in the Bill. I am really amazed at the way in which the imagination of my friends has worked.

Sir, judging from the observations made by the learned friends who opposed the principles of this Bill, it would seem as though they alone were the custodians of the rights and the privileges of the peasantry and the labourers in Travancore, and that all the other members were against the tenants and labourers. (Mr. M. N. Paramesvaran Pillai (*Hear, hear.*) Sir, I emphatically protest against that attitude. From my experience of this House, Sir, I am almost sure that any amount of argument will not convince certain of the honourable members of this House who have their own ulterior motives which alone would weigh with them in their voting on this Bill.

Mr. Kochikal P. Balakrishnan Tampi: Is the member in order in attributing motives to the honourable members of this House?

Chairman: No.

Mr K. P. Nilakanta Pillai. I did not attribute motives, Sir.

Mr. Kochikal P. Balakrishnan Tampi: Let him withdraw at least the word 'ulterior'.

Mr. K. P. Nilakanta Pillai: As I was submitting, Sir, it would appear, from some of the speeches of my friends here that they alone were interested in the labourers and tenants of the country and that the other members of the House were working against the labourers' interests. Sir, I am one of those who has greater interests in the labourers than such members. (*Hear, hear.*) I have only to say that I would have felt thankful to such members if they had pointed out specifically to the provisions in the Bill which really worked against the labourers.

Mr. M. Govindan: May I point out that Clause 6 of the Bill is injurious to the labourer?

Mr. K. P. Nilakanta Pillai: Sir, that provision says that in regard to trees less than one year old they need not be assigned any value when the improvement is valued. If my friend is not satisfied with that, it is quite open to him to propose an amendment. This is a matter of detail which does not arise at this

[Mr. K. P. Nilakanta Pillai.]

stage of the Bill when we are concerned only with the main principle involved in the Bill. My friends have forgotten entirely what their business is at this stage. All this prolonged discussion is due to a thorough misunderstanding of the real business of the House at this stage.

Mr. M. Govindan: Does that alleged misunderstanding extend to Clause 6 also?

Mr. K. P. Nilakanta Pillai: I have already stated, Sir, that is open to us to amend that Clause.

Mr. Tariatu Kunjitomman: ഇങ്ങനെയൊരു ബില്ലവതരിപ്പിച്ചു പാസ്സാക്കണമെന്ന് ഏതെങ്കിലും പൊതുജനയോഗങ്ങളിൽ വച്ചു വല്ല നിശ്ചയങ്ങളും പാസ്സാക്കിയിട്ടുണ്ടോ?

Mr. K. P. Nilakanta Pillai: Sir, I am being dragged into very unpleasant matters which if I expose may, I fear, will prove damning to some of my honourable friends here. I therefore request the permission of the Chair for not answering the question.

Mr. M. N. Paramesvaran Pillai: What is the insinuation, Sir? (*Laughter.*)

Chairman: Mr. Nilakanta Pillai need not answer the question.

Mr. K. P. Nilakanta Pillai: Sir, when this Bill was introduced in the Assembly, when it was referred to a Select Committee, when its provisions were discussed in the Assembly in detail, at not one of these stages was there any agitation against the Bill. When the Bill was about to come up before this House, all on a sudden, there came up a violent agitation against it. Some pamphlets were circulated; even some photographs were taken and circulated. Sir, I saw the photograph. It was a photograph taken when Mahatma Gandhi was here. That photograph was sought to be used against this Bill.

Mr. Komilezhathu Sankaran: May I point out to the member that the Upper House is constituted as a revising Chamber?

Mr. K. P. Nilakanta Pillai: Sir, I know the kind of resolutions that were passed against this Bill. It is more or less clear, Sir, that copies of several resolutions were printed in the same place, in the same Press, in the same type, with the same ink, and were circulated as if they were passed at different meetings held in different places.

Mr. M. N. Paramesvaran Pillai: Have the persons who sat for the photograph been identified?

Mr. K. P. Nilakanta Pillai: Sir, I carefully scrutinised the photograph with the help of some honourable members in this corner of the house. I found that it had been taken when Mahatma Gandhi visited Travancore.

Mr. C. M. Joseph (*Changanachery* cum *Peermade*): ആ ഫോട്ടോ മെമ്പറുടെ കൈവശമുണ്ടോ?

Mr. K. P. Nilakanta Pillai: It was the honourable member himself that gave me the photograph; I did not want to say that.

Mr. C. M. Joseph: ഈ പറയുന്ന മാതിരി ഒരു ഫോട്ടോ കണ്ടിട്ടുണ്ടെന്നു ഇവിടെയുള്ള മററു മെമ്പറന്മാരാരെങ്കിലും പറയുമോ?

Mr. K. P. Nilakanta Pillai: Quite against my will, I have been dragged into this matter. I knew my statement of the fact would not be palatable to my friend. That was why I asked for the permission of the Chair for not answering the question.

Sir, it has been argued that this Bill if passed would be ruinous to the labourers and to the tenants. I hold a different view. If this House would make some of the provisions in the Bill more definite and clear, I am sure it will be a great blessing to the labourers and tenants in Travancore. At present, whenever improvements have to be valued, the aid of the Court has to be invoked, a Commission has to be appointed, the Commissioner has to be bribed, and the Vakil has to be paid. All these involve heavy expenditure. To value 15 or 20 cocoanut trees, more than two years' income of the garden will have to be spent. My friend Mr. Kunjitommen said that, since the tenant was poor, he could not prove, as provided in the Bill, that trees were not of spontaneous growth. But, Sir, what is it that the tenant has to do now in order to get the value for his improvements? He has to spend an enormous amount of money in litigation.

Mr. M. Govindan: How does this Bill avoid the necessity for the appointment of a Commission for the valuation of the improvements?

That is exactly what I said. If some of the provisions about the value of improvement is made definite, the tenants and labourers will understand where they stand. In that case they can know what they will be entitled to claim in regard to cocoanut trees and other trees. If such a thing is done, much of the waste incurred by the tenants can be avoided. Instead of ruining the tenants this Bill will be a blessing to them.

Mr. E. P. Varghese: Does the member mean to say that the Bill requires amendments?

Mr. K. P. Nilakanta Pillai: What I was saying is that if there are indefinite clauses they may be amended suitably so that the tenants on the one side and the proprietors on the other may know where they stand. Before launching into a case, they will be in a position to know whether they will succeed or not. In that case they will think twice before they go in for a suit.

Mr. M. Govindan: May I know whether the appointment of assessors as provided in the Bill will not create a body of quasi officials of an irresponsible type inclined to corruption?

Mr. K. P. Nilakanta Pillai: That question would not have been put if the former part of my speech was closely attended to by the member. If the proprietors and tenants are made to understand what exactly their rights and liablities are, the question of appointing assessors will not arise. Therefore my friend is begging the question.

Mr. E. P. Varghese: May I know whether it is said so in the Bill?

Mr. K. P. Nilakanta Pillai: I find that if the value of a cocoanut tree, an anjili, tree, a pepper wine or plantain could be definitely settled.........

Mr. E. P. Varghese: Is there any provision definitely settling such questions?

Mr. K. P. Nilakanta Pillai: That is exactly what I said. If there are no definite provisions my members .....

Mr. Kochikal Balakrishnan Tampi: Sir, I rise to a point of order. The member said 'my members'.

Mr. K. P. Nilakanta Pillai: The honourable members should make it more definite and clear. Then there is an end of the matter. The quarrel is with reference to some of the minutest details in the Bill and not about the main principle of it. The argument that if the Bill is passed it would ruin the tenants and the peasantry I not not hold water. I believe that if the Bill is passed with necessary amendments, instead of ruining the tenants it will be a blessing to them. There fore I have no quarrel with the main principle of the Bill. With these words. I support the motion before the House.

Chairman: Members who support the principle of the Bill will kindly see that they do not repeat the arguments already advanced.

Mr. Kochikal P. Balakrishnan Tampi: I now beg to move that the motion of Mr. Ramakrishna Pillai be put.

Mr. Komilezhathu Sankaran: Till now we have heard only one member in support of the Bill.

Chairman: I leave it to the sense of the House.

The motion for closure was then put and carried.

Mr. Komilezhathu Sankaran: I demand a poll.

Mr. M. N. Paramesvaran Pillai: Sir, I rise to a point of order, whether a poll can be demanded on a closure motion?

Chairman: No.

Mr. C. M. Joseph: ചെയറിൽനിന്നും ഇനിയും പലരും പ്രസംഗിക്കുവാനുള്ളതുകൊണ്ടു് മെമ്പറുടെ പ്രസംഗം വേഗത്തിൽ അവസാനിപ്പിക്കണമെന്നു് ഒരു മാന്യമെമ്പറോടു പറയുന്നതുകേട്ടു. ഇപ്പോൾ ബില്ലിനെപ്പററിയുള്ള വാദപ്രതിവാദംതന്നെ അവസാനിപ്പിക്കണമെന്നു തീരുമാനിച്ചതെന്തുകൊണ്ടാണു്?

Chairman: ഞാൻ അപ്പോൾ പറഞ്ഞതു എൻെറ അഭിപ്രായമായിരുന്നു ബില്ലിനെപ്പററിയുള്ള വാദപ്രതിവാദം അവസാനിപ്പിക്കണമെന്നു ഇപ്പോൾ തീരുമാനിച്ചിരിക്കുന്നതു് ഈ സഭയാണു്. ഞാനല്ല.

Mr. N. Ramakrishna Pillai: Sir, it has been my lot to take up the responsibility of pilating this Bill through this House. The Bill has already passed through the Assembly and it is therefore not an entirely new measure that has come up for consideration in this House. Apparently the Bill has an amount of support which is not inconsiderable. Even those learned friends who objected to the pri ciple of the Bill for certain reasons also recognised the necessity for a measure of this kind.

One objection that has been raised against the introduction of the Bill was that there was no public demand for such a Bill. I find from some of the past proceedings in the Sri Mulam Popular Assembly that there has been in fact an agitation for a law regulating conpensation for improvements. For instance, at the third session of the Popular Assembly, a non-official member requested the Government to take up the responsibility of enacting a measure for determining the value of improvements. At the fourteenth session again, another non official member put forward various suggestions, for the consideration of the Government when the question of enacting a law was taken up. I also learn that another non-official member had introduced a Bill on similar lines in a former Legislative Council. The important circumstance that this Bill throughout its pendency in the Lower House did not meet with any kind of opposition from the public is also significant. It is at least evidence of the fact that the Bill was not opposed by the public. Not only has there not been any public opposition against it, but there has

[Mr. N. Ramakrishna Pillai.]

also been ample support from the non-official members of the lower House, as is evident from the fact that it has been passed by a vast non-official majority in the lower House. Therefore there is no point in saying that there is no public support for the introduction of this Bill.

Mr. M. N. Paramesvaran Pillai : May I know whether any petition has been presented to this House in regard to this Bill as in the case of the Agriculturists Relief Bill.

Mr. N. Ramakrishna Pillai : Petitions have not been presented. But some petitions have been circulated among, the members. Agitation is said to be going on in the country but I do not know what kind of agitation it is. I am not afraid of any kind of agitation which has no public support behind it. I am concerned only with the main principles of the Bill before the House.

A word of personal explanation is also necessary. I have no personal interest in forwarding this Bill at any cost in its present form, (Mr. M. Govindan, Hear, hear.) nor have I the responsibility of getting through the various provisions in the Bill in the same form in which they have been presented to this House. It is open to this House to make suitable amendments in the various provisions contained therein. And as a matter of fact numerous amendments have been tabled for discussion and consideration. Many of these amendments affect the details of the various provisions contained in the Bill. As to the details, my position is one of absolute impartiality and as I have said I have no particular interest in seeing that the very same provisions are accepted. It rests with the House to make any suitable changes in the details of the clauses in the Bill.

Mr. M. N. Paramesvaran Pillai : Does the member hold on to the principle ?

Mr. N. Ramakrishna Pillai : Certainly, what I say is that the amendments affect only the details in the various clauses contained in the Bill. It is open to the House to make suitable amendments. The principle of this Bill is not affected by the amendments and from the discussions that have taken place, I am convinced that even those who oppose several of its provisions have to admit that a law is necessary. The honourable members who opposed the introduction of the Bill have impliedly admitted the need for a measure of this kind. I refer particularly to certain suggestions made by Mr. Govindan. He is certainly not satisfied with the present state of the law and wants various alterations to be made. He wants a definition of the term 'improvements' entirely different om the definition taken from the Jenmi and Kudiyan Regulation

which has been in existence for several years. Again he referred to the fact that the custom which has been recognised by the High Court, at any rate, so far as Shertalla is concerned, is unreasonable and needed change. I do not now remember all the other matters to which he referred. From the discussions in this House it is clear that the existing law is unsatisfactory and requires change. When there is so much discontent against such a law, it is clear that the law needs revision and consolidation. The necessity for the law regulating the determination of the question of compensation for improvements is thus quite apparent. There seems to be unanimity of opinion in this respect. With regard to the question whether the cultivating tenant is going to be benefited by this measure, I may say at the outset that the Government has always been in favour of measures calculated to improve their condition.

Mr. Tariatu Kunjitomman: തിരുവിതാംകൂർ ഒട്ടുക്ക് ദേഹണ്ഡവിലയെ സംബന്ധിച്ച ഒരു ഐകരൂപ്യം വരുത്താൻ കഴിയുമോ?

Mr. N. Ramakrishna Pillai: പൊതുവേ ഒരു ഐകരൂപ്യം ഏകദേശം വരുത്താൻ കഴിയുമെന്നാണ് എനിക്കു തോന്നുന്നത്. അതിനുവേണ്ടിയാണ് ഈ ബില്ല് കൊണ്ടുവന്നിട്ടുള്ളത്.

Mr. N. Ramakrishna Pillai: Nobody can say that the Government of Travancore have at any time neglected the prosperity or the welfare of the tenants of the State. This State was the first.........

Mr. Kochikal P. Balakrishnan Tampi: Is the honourable member answering for the Government?

Mr. N. Ramakrishna Pillai: This State was the first to give fixity of tenure to the ryots in respect of Sirkar lands. This was the first State which solved the problem of the relationship between the Jenmies and the Kudiyans by granting fixity of tenure to the Kudiyans. In regard to this very question of compensation for improvements itself our courts have been particularly careful of the interests of the tenants and the cultivating population. The law with regard to payment of compensation for improvements is unusually liberal to the tenant. This is the only country where trespassers are under the law allowed value of improvements. There is no country anywhere where trespassers are allowed to claim and get compensation for improvements.

Mr. M. Govindan: May I know whether my friend is agreeable to the continuance of that beneficial provision?

Mr. M. N. Paramesvaran Pillai: May I know whether the Honourable High Court, by a recent ruling, have doubted the correctness of.........

Mr. N. Ramakrishna Pillai: The law in Travancore...

Mr. M. N. Paramesvaran Pillai: There are two questions put to the member and the honourable member has not answered any of them.

Mr. N. Ramakrishna Pillai: In a State where the law goes to the extent of allowing compensation for improvements to trespassers it cannot be complained that the interests of the cultivating population have been neglected by the law.

The Bill before the House only seeks to give effect to the law as administered by our High Court. An examination of the various provisions in the Bill will justify my submission that the Bill only seeks to give effect to the law as it is now enforced by the courts, with the exception perhaps of the rule allowing compensation to trespassers.

Mr. E P Varghese: What about costs of maintenance?

Mr. N, Ramakrishna Pillai: In dealing with the general principles of law I have nothing to do with cost of maintenance. No one will say that the law administered by our courts is in any way injurious to the cultivating population.

Mr. M. N. Paramesvaran Pillai: May I know whether there is any law or only custom?

Mr. N. Ramakrishna Pillai: The matter is entirely governed by custom. That is one reason why this Bill was introduced.

Mr. E. P. Vaghese: Are there not a series of decisions by the High Court?

Mr. N. Ramakrishna Pillai: Yes. But the law has to be gathered from these decisions.

It may be asked, when there are so many decisions, where is the necessity for such a piece of legislation? In the first place I have to say that there has not been any uniformity in the decisions of the courts. My learned friend, Mr. Varghese, contended that the High Court had always awarded compensation for improvements made after decree and that this Bill places restrictions on the allowance of such compensation. There are cases in our courts in which claims for compensation for improvements made after decree have been disallowed. In one case, the court quoting these decisions with approval remanded the case with a direction to determine separately the value of improvements made before the decree and after the decree.

Mr. M. Govindan: May I know whether it is a reported case?

Mr. N. Ramakrishna Pillai: Yes.

Mr. M. Govindan : May I know the report.

Mr. N. Ramakrishna Pillai : I am not going into this question in detail. If necessary, I will supply the honourable member with the necessary information at the end of my speech.

That is the state of the law with regard to improvements effected after the decree. Now take the question of droppings Can it be said that there is unanimity in the decisions of the courts in this respect? Sometimes the courts allow a deduction of 1/3, and sometimes 1/2 and so on. There is absolutely no unanimity in these decisions. Again there is no unanimity in regard to the determination of the question, what kind of trees are trees of spontaneous growth and what are not. In regard to such ....

Mr. E. P. Varghese : Is it possible to fix what kind of trees are spontaneous ?

Mr. N. Ramakrishna Pillai : Yes. That is why an attempt is made in the Bill to determine what are spontaneous trees and what are not. At least it will help the court to come to a decision.

Mr. M. Govindan : May I know whether the value assessed by the last settlement will not enable the court to arrive at a right decision on this matter.

Mr N. Ramakrishna Pillai : But that is not done. Sir, I am not now dealing in detail with the provisions of the Bill. These details can be considered at a later stage when we discuss the various amendments proposed. I am now only dealing with the unsatisfactory state of the law as it now exists. When I come to the amendments I may be able to give the honourable member much better explanation. Even in regard to the fixing of the share due to the tenant there is doubt and difficulty. So recently as last year the question of the share due to him was in fact raised and had to decided. No one can say with certainly what the decision will be on any particular question raised. It becomes necessary therefore to lay down definite rules for the determination of the various questions that may arise between parties and for enabling people to know what exactly the law is. Even the Judges of the High Court have sometimes expressed their dissatisfaction with the present state of the law.

Mr. E. P. Varghese : Have they not also expressed in one of their rulings that it is not possible to lay down uniform rules ?

Mr. N. Ramakrishna Pillai : I do not know. It may, sometimes be difficult to lay down definite rules in regard to certain matters. It is a difficulty which attends all kinds of legislation. That need not deter us in our attempt to make the law more definite. This is all that is attempted in this Bill, that is, laying down the law more definitely instead of relying......

Mr. E. P. Varghese : May I point out to the ruling in 24 T. L. J page 460 Is it not definite enough ?

Mr. N. Ramakrishna Pillai : In spite of it the ruling was questioned ; that is the reason why a law is to be enacted.

Mr. E. P. Varghese : Does not the ruling support the argument of the learned mover ?

Mr. N. Ramakishna Pillai : The Bill adopts that rule.

Mr. E. P. Varghese : May I take it that the Bill is trying to achieve the impossible ?

Mr. N. Ramakrishna Pillai : Certainly not.

Mr. M. Govindan : May I know whether the honourable High Court Judges made recommendations that there must be a law on this ?

Mr. N. Ramakrishna Pillai : There are expressions of opinion on the state of the law by the honourable judges.

Mr. M. N. Paramesvarn Pillai : Have we not passed legislation in this session even against the views of the honourable High Court ?

Mr. N. Ramakrishna Pillai : There is no recommendation, but only expressions of opinion by the learned judges. These facts and circumstances must suffice to convince the House that there is need for legislation on the lines indicated in this Bill.

Mr. E. P. Varghese : Does the member concede that the Bill requires amendments ?

Mr. M. Govindan : Has not the member conceded already that amendments may be made ?

Mr. N. Ramakrishna Pillai : I make no concessions. I am absolutely impartial. I only abide by the decision of the House. Of all the criticisms that have been levelled against the provisions contained in the Bill, a few deserve consideration at this stage. One of these objections is that the term trespasser has been vaguely defined and that the restriction of the right to claim compensation to *bona fide* trespassers is injurious to the interests of *bona fide* holders of property. Clause 3 (*a*) contains this provision. It says: " No compensation shall be payable —(*a*) to a trespasser not claiming under a title or claiming under a title which is invalid and which such trespasser either knew to be invalid or by the exercise of due care and caution might have known to be invalid. " Now this certainly is a departure from the law as at present administered. According to the current rulings of the High Court a trespasser is entitled to the value of improvements. But this rule of law came to be upheld by the High Court owing to a variety of causes. It is on the ground of *stare decis*, that is on account of a long course of decisions that the

rule is now said to be upheld in our courts. There is no basis of equity or justice to support this extraordinary principle of law. It is founded on an assumption of our courts that the law is that trespassers are entitled to the value of improvements. There is no direct decision in which this rule was laid down by the High Court. There is also no foundation for the assumption that the principle is an old established principle.

Mr. C. M. Joseph : ഒരു പ്രദേശത്തു വളരുന്ന വൃക്ഷങ്ങൾ തന്നെ മറെറാരു പ്രദേശത്തു കൂടുതൽ പ്രയത്നം കൂടാതെ വളരുകയില്ല എന്നുള്ളതു കൊണ്ടല്ലേ ഓരോ പ്രദേശത്തെ ഭേദഗതിയിൽ ഓരോ പ്രകാരത്തിൽ വിധിച്ചിരിക്കുന്നതു് ?

Mr. N. Ramakrishna Pillai: അതുകൊണ്ടല്ല. അതിനു മററുപല കാരണങ്ങളുമുണ്ട്.

If you examine the current of decisions in the High Court bearing on this question, this House will be convinced that there was no rule established by the High Court, which enabled a trespasser to claim value of improvements till 1083. It was due to historical reasons and accidental circumstances that a rule of this character came to be enforced. It is a rule which is opposed to all notions of equity and fairness.

Mr. E. P. Varghese: Sir, even in the latest ruling it is stated by their Honours observed that it was a matter of general equity to give compensation to trespassers. In the light of that how does the member say that it is opposed to all notions of equity and fairness.

Mr. N. Ramakrishna Pillai : I am not ignorant of the decisions on the subject. I have read all the decisions relating to the question of compensation for improvements. I have studied the progress of the law with regard to this question with great care and attention. No useful purpose is served by quoting stray passages from any judgment. I shall, if necessary, go into the details of this question, but I fear that this is not the proper occasion for it.

I am submitting that this unheard of law of allowing compensation to trespassers happened to be enforced in Travancore as a result of accident. I believe my honourable friends will concede that it is opposed to all notions of equity and good sense to allow compensation to trespassers. The trespasser should not in the name of justice be awarded any value for improvements for it will then be an inducement or an invitation to trespassers to trespass upon other people's property. It is certainly the height of injustice for anyone to take possession of another man's property and to withhold possession on the ground that he is making improvements. In that case there is no protection of property.

Mr. M. Govindan: May I know whether an ordinary man dealing *bona fide* with a Marumakathayam Taravad and taking a mortgage deed and advancing money without consulting the Vakils, will be considered a man who is a trespasser or a person not entitled to improvements.

Mr. N. Ramakrishna Pillai: I do not know what the honourable member means. Perhaps he thinks that the answer to his question depends upon the interpretation of the word "*bona-fide*". The suggestion perhaps is that a person who takes a deed from a junior member of a taravad will not be protected if he does not consult a legal adviser. It is question of fact whether a person is acting bonafides or not.

Mr. M. N. Paramesvaran Pillai: May I point out that in such cases, he will even lose his money?

Mr. N. Ramakrishna Pillai: Yes.

Mr. M. Govindan: Even, if the whole document is set aside the value of improvement is awarded and it is surprising that that fact is not recognised.

Mr. N. Ramakrishna Pillai: In such a case the question will be whether a person who holds an invalid document believed *bona fide* that he had a title. Now the question which I am discussing is whether compensation is payable to a person who is admitted to be a trespasser. If honourable members think that such a claim is justifiable, I have absolutely nothing to say. But to me, it seems that such a claim is preposterous. No Legislature will sanction or support such a claim. I take it for granted that this House will not allow the enactment of a measure which awards value of improvements to a trespasser. If a person who is in possession of a property has a title however defective it may be and believes that he has a title, certainly, he needs the protection of the law. This protection is given in Clause 3 (*a*).

Mr. M. Govindan: May I know how this honesty of the people is tested?

Mr. M. N. Paramesvaran Pillai: Is not "bonafide" a question of fact?

Mr. N. Ramakrishna Pillai: This is a very common question coming up for consideration almost daily in courts. The question whether a person has been acting *bona fide* or whether he has any ulterior motive is of such common occurrence in courts that no difficulty can possibly arise in its interpretation. That is why provision is made in this Clause that bonafide trespassers should be protected. Though objection has been raised against this provision, I submit that it gives sufficient protection to those who honestly believe that they have got a title. If the very same protection is to be

afforded to those who simply took possession of other people's properties and made improvements therein then it amounts to a reward for the confiscation of other people's properties. This House will not, I hope, accede to such a proposition. I believe that there is no honourable member who claims that all kinds of trespassers should be rewarded by payment of compensation.

The law in our courts was quite in consonance with this sound principle. As I said, an examination of the various rulings of the High Court will justify my contention that till 1083 there was no law which allowed compensation to all trespassers The earlier reports of the rulings of the High Court show that only holders of property under a title were given compensation. For instance I will refer to a case which was decided in 1083. That case is reported in Volume VIII of the Travancore Law Reports at page 157. That was a case of a sale by the Karanavan of a Tarwad being set aside at the instance of a junior member. In allowing full value of improvements the Court said that a person who stands by and allows his neighbour to spend money on his (former's) property in the *bona fide* belief that the property is his (neighbour's) cannot in equity be allowed to recover the property without fully compensating the other for the improvements he had made at his cost. Here the vendee cannot be regarded as a trespasser, as he got lawful possession from the Karanavan.

There are a number of decisions, but I think it will be tedious to refer to all of them. I shall content myself with referring to one or two other decisions.

Mr. G. Narayana Aiyar: May I know whether there are any decisions in British India where trespassers are given value ?

Mr. N. Ramakrishna Pillay: In British India trespassers are certainly not given any value for improvements. You will see the law enacted in Section 51 of the Transfer of Property Act. There the law is far more strict than it is here. English law is even stricter. There is no law anywhere else which allows compensation to trespassers.

Mr. E. P. Varghese: Is there any law anywhere else which rules that interest shall not accumulate more than half the capital?

Mr. N. Ramakrishna Pillai: I am not concerned with the question of interest now.

Mr. M. Govindan : May I know what the law in British India is with regard to trees of spontaneous growth ?

Mr. N. Ramakrishna Pillai : The Law in British India with regard to valuation of improvements is different from ours.

[Mr. N. Ramakrishna Pillai.]

My friend does not seem to be aware of the fact that there is a fundamental difference in the basis of calculation between the systems prevailing in British India and in Travancore.

With regard to this question of the trespasser's so called rights I was submitting that there is no authority till 1083 which lays down the rule that trespassers are entitled to value of improvements.

Mr. E. P. Varghese : Is there any ruling in Travancore for trespassers ? The trend of the rulings of these Courts is that compensation is not allowed to trespassers. But is there any ruling for the same ?

Mr. N. Ramakrishna Pillai : Till 1083 I have not been able to find a single decision allowing compensation to trespassers. A decision of the year 1083 is published for the first time in an unauthorised report *i. e.*, Kolappa Pillai's Unreported Decisions at page 360, where an observation occurs that "according to the ruling of this Court even a trespasser is entitled to claim improvements." I may also observe here that in those days the High Court did not permit all the decisions to be published.

Mr. C. M. Joseph : ഉടമസ്ഥന്റെ സമ്മതം കൂടാതെ വസ്തു കയ്യേറ്റംചെയ്തു ദേഹണ്ഡിക്കുന്നവരെ അതിൽനിന്നും വിരമിപ്പിക്കുന്നതിന് ഇപ്പോൾതന്നെ വേറെ നിയമങ്ങളില്ലേ!

Mr. N. Ramakrishna Pillai : This is the first report which contains an observation of a learned judge that even trespassers are entitled to the value of improvements. In another case in the same year we find the very same judge, who made this observation, making the following remarks :

> "I would add that the defendant gets the value of improvement by reason of the practice of this court to allow trespassers improvements but I would like to add that it is an unfortunate practice and is, in a measure, responsible for much unnecessary litigation, in that trespassers as a rule have everything to gain and nothing to lose and have this comforting reflection that, if they fail to make good their footing in the land trespassed upon, a step which puts the owner to a great deal of worry and expense, they will at least have the satisfaction of reaping the benefits of anything they choose to grow on that other man's land, a proceeding which seems to me somewhat inequitable".

This was a case of trespass by mistake and the learned judges also rest their decision on the ground that the defendant might have made a *bona fide* mistake as to the exact extent of his own land and thus unknowingly trespassed on the plaintiff's land.

You will find several decisions in the earlier reports in which the claims of trespassers have been refuted.

It seems to me that there is a reason why the claims of trespassers came to be admitted in the later decisions of the High Court. It will be seen from a decision of the year 1067 reported in the Travancore Law Reports, Volume X, at page 85 that squatters in Government waste lands who made improvements but did not succeed in getting the lands registered in their names were allowed compensation for the improvements they had effected. There the learned judges say :—

> "No previous consent of the authorities was, until recently, needed to the taking up of Sirkar waste lands for cultivation and reclamation by a private individual, and the recognised usage of the State had been to register the waste lands in the name of the first taker and improver. The course of conduct pursued by Revenue authorities for ages past, was calculated to raise expectations in the mind of the ryots that their claims as first takers of the waste land would not be ignored by the authorities, and that they will be allowed to enjoy the fruits of their industry, and it is but equitable that where the registry is actually made in the name of a person other than the first taker and improver, the latter should be enabled to recover compensation for improvements made by him"

It is thus on the ground of the peculiar circumstances connected with the occupation of Government waste lands that compensation was allowed to the occupants. The Puduval Rules then really amounted to an invitation to occupy Sirkar waste lands and the learned judges therefore sought to justify their decision on this ground. There was thus a sufficient reason for allowing value of improvements to trespassers. Otherwise we cannot conceive of a state of things where trespassers are allowed to occupy other people's land and claim compensation for improvements. There will be no protection of the right of property, if trespassers are given such inducement.

Now with regard to the Sirkar waste lands the law has changed Section 9 of the Land Conservancy Regulation IV, of 1091 enables the Division Peishkar to summarily evict any person unauthorisedly occupying Government waste lands without paying any compensation for the improvements he has effected. This law was passed for protecting the interests of the Sirkar and for preventing unauthorised occupation of Sirkar lands. While Government lands have thus been protected from the encroachment of trespassers, private lands and their owners are still at the mercy of the trespassers. The law laid down by courts for the protection of the occupants of Sirkar lands at one time was applied and continues to be applied to the case of private owners. Clause (3) of the Bill affords some protection to them.

Mr. M. Govindan:, May I know whether it is not an injustice to trespassers to proclaim them as such and oust them out of the land occupied by them ?

Mr. N. Ramakrishna Pillai : I am speaking of trespassers. As regards persons who, in the honest belief that they have a claim of right, occupy lands and make improvements, it is but right and proper that protection should be extended to them.

Mr. Komilezhathu Sankaran ; May I know how it is possible to ascertain whether a trespasser is honest or not?

Mr. N. Ramakrishna Pillai : The court can do it.

Mr. M. Govindan : May I request one small illustration of honest belief of trespasser?

Mr. N. Ramakrishna Pillai : It is quite easy to give an illustration. I happen to purchase one acre of land and I occupy a larger area than I am entitled to and in ignorance of the mistake make improvements on the excess area. This is the case of a *bona fide* trespasser. It is purely a question of fact.

Mr. E. P. Varghese : Should there not be a provision to protect such persons?

Mr. N Ramakrishna Pillai : That is exactly what is done in this Bill.

Mr. Komilezhathu Sankaran : Instead of allowing trespassers to continue as such, is it not better to eject them?

Mr. N. Ramakrishna Pillai : That is one objection which has been raised. Another criticism is in respect of compensation for non-bearing trees. The Bill, no doubt, makes a slight departure from the current practice of allowing full value for such trees. But I may say that even in regard to the provision in the Bill, authority is not wanting to support it. I am able to show from certain rulings of the High Court that full value is not always given for non-bearing trees. The slight reduction can also be supported on the ground that the tenant had the advantage of the fertility of the soil in rearing these trees.

Mr. E. P. Varghese : Why should you exclude one year old trees?

Mr. Komilezhathu Sankaran : Is there any instance in which the fertile soil will be allowed to lie as waste land?

Mr. N. Ramakrishna Pillai : I have not made any investigation in that direction. All that I want to say is that there is justification for the reduction made in the Bill in respect of compensation for non-bearing trees.

Mr. E. P. Varghese : May I know whether it will not be applying common sense against justice?

Mr. N. Ramakrishna Pillai : With regard to the other provisions in the Bill, I have only to submit that no departure has been made from the law in force so far as I have been able to see.

Chairman : The motion before the House is that the Bill be taken into consideration.

The motion was put to the vote of the House and carried.

Mr. Komilezhathu Sankaran: I demand a poll.

A poll was taken and the House divided as follows:—

AYES—17.

1	Mr.	Kochikal P. Balalakrishnan Tampi	10	Mr.	K. P. Nilakanta Pillai
2	,,	C. V. Chandrasekharan	11	,,	K. Padmanabha Panickar
3	,,	K. George	12	,,	N. K. Padmanabha Pillai
4	,,	Eric Hall	13	,,	K. Paramesvara Panickar
5	,,	Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai	14	,,	Kayalam Paramesvaran Pillai
6	,,	C. O. Madhavan	15	,,	M. N. Paramesvaran Pillai
7	,,	K. Madhava Kurup	16	,,	N. Ramakrishna Pillai
8	,,	M. P. Madhavan Pillai	17	,,	K. Rama Varma Raja
9	,,	G. Narayana Aiyar			

NOES—5.

1	Mr.	M. Govindan	4	Mr.	Komilezhathu Sankaran
2	,,	C. M. Joseph	5	,,	E. P. Varghese
3	,,	John Kattakayam			

The motion was declared carried.

Mr. M. N. Paramesvaran Pillai: It is leaking here. I request the permission of the Chair to change my seat.

Chairman: Yes.

Clause I.

Mr. M. Govindan: Sir, I beg to move the following amendment:—

Substitute the following for Clause 1:

"This Regulation shall be called 'The Travancore Compensation for Improvements Regulation I of 1113 and shall Icome into force on the first of Chingam 1113."

Mr. M. N. Pramesvaran Pillai: My friend's amendment is that 'This Regulation shall be called the Travancore Compensation for improvements Regulation I of 1113'. I want to know whether he is a prophet to be able to say definitely even now that the Regulation shall come into force on the 1st of Chingam 1113.

Mr. M. Govindan: It is open to my friend to move an amendment to my amendment.

My reasons in support of my amendment are twofold. Firstly, it has been the usual practice here to pass enactments after mentioning the name, as well as the year and the number of the Regulation in such year.

Mr. M. N. Paramesvaran Pillai : May I ask whether that was done with regard to the Agriculturists' Debt Relief Bill which we passed recently ?

Mr. M. Govindan : I said 'usual practice'. I would challenge my friend to go through our various Regulations passed during the last ten years. In almost all of them the year and the number are mentioned, in addition to the subject.

Mr. M. N. Paramesvaran Pillai : Suppose, it becomes possible for the Bill to be passed before 1-1-1113. Then what will be the effect of this amendment ?

Mr. M. Govindan : An amendment like the one that was moved in the case of the Boilers Regulation will have to be moved.

With regard to the fixing of the date for this measure to come into force, I have put it as the first of Chingam 1113. It may happen that it may be passed on some other date. All that I seek to indicate by this amendment is that, in statutes, the date of their commencement is necessary, especially, where we seek to change the existing law ; because, that will enable people who are involved in transactions to be affected by the measure to make the necessary arrangements before the law comes into force. It is only fair that they are informed in time that the law is going to be changed. The only question that arises in regard to my amendment is as to which course is better, to fix a date, or not to fix a date for the measure coming into force. My submission is that it is better to fix a date especially because we propose some innovation in this piece of legislation.

Mr. K. P. Nilakanta Pillai : Is the member of the opinion that the public are not aware of this Bill ?

Mr. M. Govindan : They may be aware of the various provisions ; but what I am submitting is that they must also be aware of the exact date on which it is to come into force.

With these observations, I commend my amendment for the acceptance of the House.

Mr. J. John Kattakayam : ഞാൻ ഈ ഭേദഗതിയെ അനുകൂലിക്കുന്നു. പ്രകൃതിതന്നെ കർഷകന്റെ ഹൃദയവേദന കണ്ടു് ഉണ്ടായ കണ്ണുനീരാണു് മഴയായി ഇങ്ങനെ വർഷിക്കുന്നതു്. ഇതു കർഷകനു അത്ര ദോഷമുള്ള ഒരു ബില്ലാണു്. ഈ ബില്ലു് എന്നു മുതലാണു് നടപ്പിൽ വരുന്നതെന്നു കർഷകൻ നോക്കിക്കൊണ്ടിരിക്കയാണു്. ഈ കഥയൊന്നും അറിയാതെ കർഷകൻ ദേഹണ്ഡം ചെയ്തുകൊണ്ടിരിക്കുന്നുമുണ്ടു്. ഇതുവരെ ചെയ്ത ദേഹണ്ഡത്തേയും ഈ ബില്ലിന്റെ വ്യാപ്തിയിൽ പെടുത്തണമെന്നു പറയുന്നതു ഒരിക്കലും ശരിയല്ല.

Mr. M. N. Paramesvaran Pillai : ഇതു പാസ്സാകുന്നതിനു മുമ്പുതന്നെ നടപ്പിൽ വരുത്തണമെന്നാണോ മെമ്പർ പറയുന്നതു്.

Mr. J. John Kattakayam : അതിനുമുമ്പു ഈ ബില്ല് പാസ്സാക്കണമെന്നു എനിക്കു വിചാരമില്ല. ഇവിടെ ഈ ബില്ലിനെപ്പററിയുള്ള വാദപ്രതിവാദം അവസാനിപ്പിക്കുന്നതിനുള്ള നിശ്ചയംകൊണ്ടു വന്നപ്പോൾ ഉദ്യോഗസ്ഥമെമ്പറന്മാരെ വിളിച്ചുവരുത്തുന്നതിനുള്ള ബദ്ധപ്പാടു് ഞാൻ കണ്ടു. ഇതെന്തിനുവേണ്ടിയാണെന്നു ചിന്തിച്ചാൽ ഇതിൻെറ ഉള്ളുകള്ളികൾ നമുക്കു മനസ്സിലാകുന്നതാണ്.

Mr. K. P. Nilakanta Pillai : ഉദ്യോഗസ്ഥന്മാരെമാത്രം വിളിക്കുന്നതേ കണ്ടുള്ളോ—അനുദ്യോഗസ്ഥന്മാരെ വിളിച്ചില്ലയോ?

Mr. J. John Kattakayam ; ഉദ്യോഗസ്ഥമെമ്പറന്മാരാണ് ഓടിക്കിതച്ചുകയറി വരുന്നതുകണ്ടതു്.

Mr. K. P. Nilakanta Pillai : പാർലമെൻറിൽ ഒരു നിശ്ചയം വോട്ടിനിടേണ്ട അവസരം വരുമ്പോൾ ഒരു ബെൽ അടിക്കുമെന്നുള്ള കഥ മെമ്പർക്കറിയാമോ?

Mr. J. John Kattakayam . പാർലമെൻറിൽ ഞാൻ പോയിട്ടില്ല. മെമ്പർ അവിടെനിന്നും വന്നയാളാണെങ്കിൽ അവിടത്തെ നടപടികൾ എന്തെന്നു വിശദമാക്കുന്നതു കൊള്ളാമായിരുന്നു.

Chairman : മെമ്പർ വിഷയത്തെപ്പററി സംസാരിക്കുക.

Mr. J. John Kattakayam : ൧൧൨ ചിങ്ങംമുതൽക്കു ബില്ല് നടപ്പിൽ വരുത്തണമെന്നാണ് കാണുന്നതു. അതു് ൧൧൩ ചിങ്ങം മുതൽ നടപ്പിൽ വരുത്തണമെന്നാണ് ഞാൻ ആവശ്യപ്പെടുന്നതു. ഈ ഭേദഗതി വളരെ ആവശ്യമായ ഒന്നാണ്.

Mr. Kayalam Paramesvaran Pillai : ഈ ബില്ലു ൧൧൩ ചിങ്ങം ൧–നു-മുതൽ നടപ്പിൽ വരുത്തുന്നതു മെമ്പർക്കു സമ്മതമാണോ?

Mr J. John Kattakayam : അതേപ്പററി ഞാൻ പറയുന്നുണ്ടു്. ഭേദഗതിയിൽ അങ്ങനെ പറയുന്നു. അതുകൊണ്ടു ഞാനും അതിനോടു യോജിക്കുന്നു എന്നേയുള്ളു. എന്നാൽ കഴിവുള്ള അവസരംപോലെ കഴിവുള്ള ആശ്വാസം കർഷകനുണ്ടാക്കിക്കൊടുക്കുക എന്നേയുള്ളു. എൻെറ വ്യക്തിപരമായ അഭിപ്രായം അതല്ല.

Mr. C. V. Chandrasekharan : Sir, I rise to a point of order. The member is not addressing the Chair.

Mr. J. John Kattakayam : ബഹുമാനപ്പെട്ട മെമ്പർ സാധാരണ പറയാറുള്ള ഒരു പരാതിയാണിതു്. മുമ്പു് ആക്റിംഗായിരുന്നു. ഇപ്പോൾ സ്ഥിരം ഉദ്യോഗസ്ഥനായി.

Chairman: മെമ്പർ അദ്ധ്യക്ഷനോടു അഭിമുഖമായിനിന്നുവേണം സംസാരിക്കുവാൻ. ഇല്ലാതെ ചക്രം തിരിഞ്ഞുകൊണ്ടു സംസാരിക്കരുതെന്നാണ് മെമ്പർ പറഞ്ഞതു്.

Mr. J. John Kattakayam: കർഷകന് അനുകൂലമായ ഒരു സംഗതി പറയാൻവന്നപ്പോൾ പ്രകൃതി തന്നെ ശാന്തമായിത്തുടങ്ങി, മഴ അവസാനിച്ചുതുടങ്ങി. ഈ ബില്ല് ൧൧൧൨ ചിങ്ങം ൧-ാനു- മുതലാണ് നടപ്പിൽ വരുത്തേണ്ടതു്. ൧൧൧൨ ചിങ്ങം ൧-ാനു- മുതൽ എന്നാക്കുന്നതു് ഒരിക്കലും ശരിയല്ല.

Mr. K. P. Nilakanta Pillai: ൧൧൧൨ ചിങ്ങംമുതൽക്കാണ് ഈ ബില്ല് നടപ്പിൽ വരുന്നതെന്ന് ആരു പറഞ്ഞു?

Mr. J. John Kattakayam: അങ്ങനെ വേണമെന്നാണു എന്റെ അഭിപ്രായം.

Mr. N. Ramakrishna Pillai: ഈ ബില്ല് ൧൧൧൨ ചിങ്ങത്തിൽതന്നെ നടപ്പിൽ വരുത്തണമെന്നുള്ളതു് നിർബന്ധമാണോ?

Mr. J. John Kattakayam: ബില്ല് പാസ്സാകുന്നപക്ഷം അന്നുമുതൽ അതു നടപ്പിൽ വരേണ്ടതു അത്യാവശ്യം തന്നെയാണ്. ഒരു റഗുലേഷൻ എന്നു പാസ്സാകുന്നുവോ അന്നുമുതൽ അതു നടപ്പിൽ വരുത്തേണ്ടതാണു.

Mr. Komilezhathu Sankaran: ൧൧൧൨ ചിങ്ങം ൧-ാനു- മുതൽ എന്നു പാസ്സാക്കിയാലുള്ള വൈഷമ്യമെന്താണ്?

Mr. J. John Kattakayam: ബഹുമാനപ്പെട്ട ഗവണ്മെൻറിനേയും കാരുണ്യമേറിയ മഹാരാജാവുതിരുമനസ്സിനേയും വിശ്വസിച്ചു പല ആളുകളും ഇപ്പോൾ ഭൂമിയിൽ കൃഷിചെയ്തുവരുന്നുണ്ടു്. അങ്ങനെ കൃഷിചെയ്യുന്നവക്ക് അവർ ചെയ്യുന്ന ദേഹണ്ഡത്തിന്റെ വിലയെ സംബന്ധിച്ചിടത്തോളം അവക്കു ഒരു മുന്നറിയിപ്പു കൊടുക്കണ്ടേ?

Mr. M. N. Paramesvaran Pillai: May I know how these matters are relevent to the date of the Regulation?

Mr. J. John Kattakayam: ആ കർഷകരുടെ അനേകകാലത്തെ പ്രയത്നഫലം ഈ ബില്ലുമൂലം അപഹരിച്ചിരിക്കുന്നു. ൧൧൧൨ ചിങ്ങംമുതൽ അവൻചെയ്ത പ്രയത്നത്തിനു വില കിട്ടുകയില്ലെന്നു ഒരു മുന്നറിയിപ്പു അവനുകൊടുക്കുന്നതു ആവശ്യമാണ്. പ്ലേഗുംമററുമുള്ള സ്ഥലങ്ങളിൽ ജനങ്ങൾ കടന്നുപോകരുതെന്നു ഗവണ്മെൻറു മുന്നറിയിപ്പു കൊടുക്കുന്നില്ലയോ?

Mr. Komilezhathu Sankaran : ഈ ബില്ല് പാസ്സാക്കി കഴിഞ്ഞു ഏഴെട്ടുമാസക്കാലത്തെ ഇട കിട്ടുന്നതുകൊണ്ട് ആ കാലത്തിനകം ചെയ്തിട്ടുള്ള ദേഹണ്ഡങ്ങളെല്ലാം നശിപ്പിക്കാമെന്നുള്ള ഉദ്ദേശം ഈ ഭേദഗതിയിൽ ഉണ്ടോ?

Mr. J. John Kattakayam: ഏതായാലും ദേഹണ്ഡക്കാരെയെല്ലാം അടിച്ചിറക്കാൻ പോകുകയാണ്. അതുവരെ അവർചെയ്ത ദേഹണ്ഡം അവൻ അനുഭവിക്കട്ടെ എന്നുള്ള വിചാരമാണ് ഈ ഭേദഗതിയെ അനുകൂലിക്കാൻ എന്നെ പ്രേരിപ്പിച്ചതു. ബിൽ എന്നുപാസാകുമോ അന്നുമുതൽഉള്ള ദേഹണ്ഡങ്ങളെയല്ലാതെ അതിനുമുൻപുള്ള ദേഹണ്ഡങ്ങളെ ഉൾപ്പെടുത്തുന്നതു കഷ്ടമാണ്.

Mr. M. N. Paramesvaran Pillai : Sir, I oppose this amendment. I am really surprised that the honourable member, who is also a member of the legal profession, should have tabled such an amendment. The effect of passing the amendment would be that, even if the Bill is passed into law only in 1114, it should be given retrospective effect from the 1st of Chingam 1113. That evidently could not have been the intention of the mover. Nobody can at this stage forestall when the Bill would become law.

Mr. M. Govindan : Is this House not competent to follow the method followed in other pieces of legislation ?

Mr. M. N. Paramesvaran Pillai : To follow the course suggested by the honourable member would be like putting the cart before the horse.

Mr. C. M. Joseph: ഞാൻ ഭേദഗതിയെ അനുകൂലിക്കുന്നു. ഈ ഭേദഗതിയുടെ അവതാരകനെപ്പററി ഇവിടെ ചിലർ പറയുന്നതു കേട്ടു. അദ്ദേഹത്തിന്റെ നിയമപാണ്ഡിത്യത്തിനു ഒരിക്കലും അനുയോജ്യമായ ഒരു ഭേദഗതിയല്ല ഇതെന്നും മററും എന്റെ സ്നേഹിതന്മാർ പറയുകയുണ്ടായി. എന്റെ സ്നേഹിതൻ മി. കട്ടക്കയത്തിനും ഒരു പ്രമാദം പററിപ്പോയി. അദ്ദേഹം ഉദ്ദേശിച്ച അർത്ഥമല്ല അദ്ദേഹത്തിന്റെ വാക്കുകളിൽ നിന്നും വെളിക്കുവന്നതു. ഈ ഭേദഗതി അവതരിപ്പിച്ചതിന്റെ ഉദ്ദേശം അനേകകാലമായി നിലവിലിരിക്കുന്ന ഹൈക്കോടതി റൂളിംഗ്കളെയും നിയമരൂപത്തിൽ വന്നിട്ടില്ലെങ്കിലും കീഴ്നടപ്പുകൊണ്ട് ഒരു നിയമത്തിന്റെ പ്രാബല്യം വന്നിട്ടുള്ള കോടതിവിധികളേയും ആസ്പദമാക്കി തങ്ങൾ ചെയ്യാൻ പോകുന്ന ദേഹണ്ഡങ്ങൾക്കു ഇന്നതിനു ഇന്നവില കിട്ടുമെന്നുള്ള വിശ്വാസത്തോടുകൂടിയാണ് സാ

[Mr. C. M. Joseph.]

ധാരണ കർഷകർ ദേഹണ്ഡിക്കാൻ തുടങ്ങുന്നതു്. ഇപ്പോഴം ബില്ലിൽ കാണുന്നതുപോലെ ഈ ബില്ല പാസ്സാകുന്ന ഉടനെ നടപ്പിൽ വരുത്തുന്നപക്ഷം അതു് അവൎക്കു ഏററവും ദോഷകരമായി പരിണമിക്കും. ൧൧൧൨ ചിങ്ങം മുതൽക്കുള്ള ദേഹണ്ഡങ്ങൾക്കുമാത്രമെ ഇതു ബാധിക്കുകയുള്ളു എന്നുള്ള അർത്ഥമാണ് ഈ ഭേദഗതികൊണ്ടു സിദ്ധിക്കുന്നതെന്നു ഞാൻ വിചാരിക്കുന്നു. തങ്ങളുടെ ദേഹണ്ഡങ്ങൾക്കു ഈ ബില്ലനുസരിച്ചുള്ള പ്രതിഫലമേ കിട്ടുകയുള്ളു എന്നുള്ള വിചാരത്തോടെയല്ല ഇപ്പോൾ ദേഹണ്ഡിക്കുന്നതു്. അതിനാൽ ഇന്നുവരെ ചെയ്ത ദേഹണ്ഡങ്ങൾ മേൽപറഞ്ഞ വിധികൾക്കും മററും അനുസരണമായുള്ള ദേഹണ്ഡവിലമേടിക്കുവാൻ അവരെ അനുവദിക്കുകയും ഇനിമേൽ ദേഹണ്ഡിക്കുന്നവൎക്കു ഈ ബില്ലനുസരിച്ചുള്ള വില കൊടുത്താൽ മതിയെന്നു വ്യവസ്ഥചെയ്യുകയും ചെയ്യുന്നതു നന്നായിരിക്കും. അങ്ങനെ ചെയ്താൽ കർഷകന്നു വലിയ സങ്കടത്തിന്നു വകയില്ല. ഇതിനെ സംബന്ധിച്ചു ഞാൻ ഒരു ഭേദഗതി അവസാനമായികൊടുത്തിട്ടുണ്ടു്. ഈ ബില്ലിന്റെ പൊതുതത്വത്തെപ്പററി ഞാൻ സംസാരിച്ചപ്പോൾ ചിലർ എന്നോടു ചോദിച്ചതു് ഈ വ്യവസ്ഥ — അതായതു് ബിൽ പാസായ അന്നുമുതൽക്കുള്ള തിന്നു മാത്രം ബാധകമെന്നുള്ള വ്യവസ്ഥ— കാർഷികാശ്വാസബില്ലിനു ചേക്കുന്നതു സമ്മതമാണോ? ൧൦൭ മുതൽക്കുള്ള പലിശ കുറയ്ക്കാതിരിക്കുന്നതു സമ്മതമാണോ എന്നായിരുന്നു. ആ ബില്ലുവരുമ്പോൾ അതിനെപ്പററി പറയാമെന്നു ഞാൻ പറഞ്ഞു. ആ ബില്ല കൊണ്ടുവന്നപ്പോൾ അതിന്റെ പൂൎവ്വകാലവ്യാപ്തി എടുത്തുകളഞ്ഞു. അതുപോലെ ഈ ബില്ലിനും ചെയ്യണമെന്നാണ് ഞാൻ പറയുന്നതു്.

Mr. M. N. Paramesvaran Pillai: "൧൧൧൨ ചിങ്ങം ൧-ാം നു-" എന്നുമാത്രം ഭേദഗതിചെയ്താൽ അതുകൊണ്ടു് പൂൎവ്വകാലവ്യാപ്തി ഉണ്ടാകുന്നില്ലെന്നാണൊ മെമ്പർ പറയുന്നതു്.

Mr. C. M. Joseph: ഈ ഭേദഗതിയുടെ ഉദ്ദേശം അതാണ്. ൧൧൧൨ ചിങ്ങം ൧-ാംനു-മുതൽ ചെയ്യുന്ന ദേഹണ്ഡങ്ങളെ മാത്രമെ ഈ നിയമം ബാധിക്കുകയുള്ളു എന്ന അർത്ഥമാണ് ഞാൻ ഗ്രഹിച്ചിട്ടുള്ളതു്. ഞാനും അതേപ്രകാരത്തിൽ ഒരു ഭേദഗതി ഇവിടെ അയച്ചിട്ടുണ്ടു്. സാധാരണ നിയമതത്വത്തെ അടിസ്ഥാനമാക്കിയും ഈ ബില്ലിനെപ്പററി സ്മരിക്കുമ്പോൾ പ്രത്യേകിച്ചും അസന്ദർഭോചിതമല്ലെന്നുകണ്ടും ഞാനും ഈ ഭേദഗതിയെ അനുകൂലിക്കുന്നു.

Mr. Kochikal P. Balakrishnan Tampi: Sir, I oppose the amendment. But I do not agree with Mr. M. N. Paramesvaran Pillai in saying that my honourable friend Mr. M. Govindan did not show his legal skill in his amendment. He is a senior member of the bar and a very learned Judge.

Mr. M. N. Paramesvaran Pillai: May I point out that he is junior to me?

Mr. Kochikal P. Balakrishnan Tampi: That was not his intention. It is only out of a sentimental regard for the year 1113 and the 1st of Chingam that he put in that. The reason for that ought to be found far deep. It is a state of psycho-analysis that certain people at certain period of their life will develop certain fascinations which ought to be explained not merely on legal knowledge but from other psychological aspects also. Therefore I am quite in sypathy with Mr. Govindan and his amendments.

Mr. M. Govindan: May I know from the member whether he is speaking in favour or against the amendment?

Mr. Kochikal P. Balakrishnan Tampi: Against the amendment but in favour of Mr. Govindan and his way of thinking.

Mr. M. Govindan: May I ask the protection of the Chair from such supporters?

Mr. Kochikal P. Balakrishnan Tampi: I am just reminded of an innocent English lady who was fond of Mesapotamia when Mr. Govindan stated 1st Chingam 1113. But so far as practical legislative experience is concerned, as my friends Messrs. M. N. Paramesvaran Pillai and K. P. Nilakanta Pillai suggested, it would not stand to reason that we must fix up a particular date especially beeause we are not sure when the Bill will pass through this House. Whether it will pass without amendments, and ever so many other exigencies of a legislative measure have to be looked into. I am afraid, I will have to correct my friend Mr. Joseph. Mr. Joseph started by correcting Mr. Kattakayam and I think I will have to correct my friend Mr. Joseph because this amendment does not say that it is intended to have no retrospective effect at all. On the day a Bill gets Royal assent it becomes law. That is one of the usual practices. It is more natural for a law to take effect from the date on which it is passed than to prescribe a particular date.

Mr. E. P. Varghese: May I know what was the case with the Civil Procedure Code of 1110?

Mr. Kochikal P. Balakrishnan Tampi: I confess I do not know much of the history of legislative measures in this House. Sir, especially in a measure where we have to deal with trespassers not always with the *bonafide* character, it is very dangerous to get the law passed allowing an interval. Therefore, with all the emphasis I can command, I oppose the amendment moved by my honourable friend Mr. Govindan.

Mr. E. P. Varghese: Sir, I support the amendment. I think it is necessary to state in the Regulation the date from which the law comes into force.

Mr. M. N. Paramesvaran Pillai: Have we not fixed now the date when the Bill should come into force as law ?

Mr E. P. Varghese: I have fully understood the force of the objection raised by Mr. M. N. Paramesvaran Pillai. From the nature of the discussions going on here and from the successive number of closure motions moved.........

Mr. K. P. Nilakanta Pillai: How many closure motions?

Mr. E. P. Varghese: More than half-a-dozen times closure motions were moved ; but the Chair did not allow the earlier ones.

Mr. M. N. Paramesvaran Pillai: On a point of order, Sir. May I know whether the honourable member is entitled to question the decision of the House.

Mr. E. P. Varghese: I have not questioned the decision of the House. I am only stating a fact, the fact that closure motions were moved.

Mr. M. N. Paramesvaran Pillai: I again rise to a point of order. The closure motion was adopted and as such..........

Mr. E. P. Varghese: I do not make any reflection on the closure motion. I was stating only that the many closure motions indicated the impatience of the members and the attempt to throttle discussion.

Mr. K. P. Nilakanta Pillai: May I not know whether the honourable member is not moved by impatience ?

Mr. E. P. Varghese: I do not intend to yield to questions any more. I am not going to do any more gymnastics. It was quite reasonable for the honourable member who moved this amendment to suppose that this Bill will be passed as early as possible. So, there is every reason for the member who moved the amendment to think that the Bill will be passed by this House before the session of the Council is dissolved and that the Bill shall not come into force at once but shall be given some time, as in the case of the Civil Procedure Code, especially when so much opposition is evident. It is necessary that even, in spite of the opposition, if the Bill will become law, some time should be given for the law to come into force.

Mr. M. N. Paramesvaran Pillai: May I know whether the provisions will not be applicable to the existing cases even if we put 1113 ?

Mr. E. P. Varghese: It may be. I do not think that there is any harm in saying that the Bill shall come into force from

such and such a date. If the Bill is passed before the date, it is necessary to give some time before it is enforced. As has been pointed out by the learned mover of the amendment, most of the Regulations passed by this House contain the dates on which they come into force. There is no harm done by having that in this Bill too. To facilitate matters and for knowing when the law will come into force the date must be specified. Otherwise subsequent generations will have to refer to Gazettes. With these words I support the amendment.

Mr. Komilezhathu Sankaran : I also support the amendment. Mr. M. N. Paramesvaran Pillai spoke about the legal acumen of the mover. Another honourable member also referred to the same. But I say that Mr. Govindan's legal knowledge outweighs the knowledge of the two gentlemen put together. (*hear, hear*). I know perfectly well that Mr. M. N. Paramesvaran Pillai and Mr. Tampi might have been school children when Mr. Govindan was presiding over a court.

Mr. Kayalam Paramesvaran Pillai : Is the honourable member suggesting that Mr. Govindan is too old to be a member of the House?

Mr. Komilezhathu Sankaran : I do not propose to answer that question since it is a reflection on the answer itself.

Mr. K. P. Nilakanta Pillai : May I know whether the member has heard a prayer from Mr. Govindan that he must be saved from such supporters ?

Mr. Komilezhathu Sankaran : I have heard Mr. Govindan's prayer and had been hearing the ejaculations of Mr. K. P. Nilakanta Pillai. The qualities of the mover of the amendment are far from being questioned. With these words, I support the amendment.

Mr. M. Govindan : Sir, I have got a small request to make. That is, in view of the opposition from so many members, is it open to me to withdraw ? Now, I submit sir, that I have to thank my honourable friends Mr. M. N. Paramesvaran Pillai and Mr. Sankaran for complementing me for my legal acumen. In view of the observations made by Mr. M. N. Paramesvaran Pillai, that it may go beyond 1113 to pass this Bill, may I request the Chair to allow me to press this motion only at the end of the whole discussion. Then it will be possible for me to know when it is going to be enacted. I submit it is a legitimate request.

Chairman : No. It must come in the order.

Mr. M. Govindan : I am not questioning the Chair, Sir, but I am bringing additional light to bear upon the question. Further the Preamble is to be put at the end.

Mr. M. N. Paramesvaran Pillai: Sir, let the amendment be put to the vote first.

Chairman: I now put the amendment to the vote of the House.

The amendment was put to the vote of the House and lost.

Mr. M. Govindan: Sir, I demand a poll.

A poll was taken and the House divided as follows:

AYES—5.

1 Mr. M. Govindan	4 Mr. Komilezhathu Sankaran
2 „ C. M. Joseph	5 „ E. P. Varghese
3 „ J. John Kattakayam	

NOES—18.

1 Mr. Kochikal P. Balakrishnan Tampi	10 Mr. P. Padmanabhan Tampi
2 „ Eric Hall	11 „ K. Padmanabha Panickar
3 „ K. George	12 „ N. K. Padmanabha Pillai
4 Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai	13 „ Kavalam Paramesvaran Pillai
5 Mr. M. P. Madhavan Pillai	14 „ K. Paramesvara Panicker
6 „ K. Madhava Kurup	15 „ M. N. Paramesvaran Pillai
7 „ C. O. Madhavan	16 „ R. Pitchu Aiyangar
8 „ G. Narayana Aiyar	17 „ N. Ramakrishna Pillai
9 „ K. P. Nilakanta Pillai	18 „ K. Rama Varma Raja

NEUTRAL—1.

1 Mr. V. S. Arumukham Pillai

The amendment was lost.

The question that Clause 1 stand part of the Bill was then put to the vote of the House and carried.

Mr. E. P. Vaghese: Sir, I demand a poll.

A poll was taken and the House divided as follows —

AYES—18.

1 Mr. Kochikal P. Balakrishnan Tampi	11 Mr. K. Padmanabha Panicker
2 „ Eric Hall	12 „ N. K. Padmanabha Pillai
3 „ K. George	13 „ Kayalam Paramesvaran Pillai
4 Rao Bahadur Rajyaseva nirata Dr. N. Kunjan Pillai	14 „ K. Paramesvara Panicker
5 Mr. M. P. Madhavan Pillai	15 „ M. N- Parmesvaran Pillai
6 „ K. Madhava Kurup	16 „ R. Pitchu Aiyangar
7 „ C. O. Madhavan	17 „ N, Ramakrishna Pillai
8 „ G. Narayana Aiyar	18 „ K Ramavarma Raja
9 „ K. P. Nilakanta Pillai	
10 „ P. Padmanabhan Tampi	

NOES—5.

1 Mr. M. Govindan	4 Mr. Komilezhathu Sankaran
2 " C. M. Joseph	5 " E. P. Varghese
3 " J. John Kattakayam	

NEUTRAL—1.

1 Mr. V. S. Arumukham Pillai.

The motion was carried and Clause 1 was added to the Bill.

Clause 2.

Mr. E. P. Varghese: Sir, I move the following amendment:—

"*Clause 2* (ii). *Delete the words 'as such' at the end of the clause*".

My amendment is that the last two words "as such" be deleted. Moreover, it may sometimes be difficult to understand the meaning of the Clause if that word is there. The definition of "holder" is "a holder means, a person who holds another person's land in his possession". Take the case of a mortgagee who leases out his land to the mortgagor. A mortgagee taking a property on lease back will be in possession of not another's land but his own land. He is holding his own land in his possession. So the words "holder as such" will create difficulties. I do not quite see the significance of the word "as such". Unless the mover of the Bill convinces me whether it is not capable of creating difficulties I think that these two words should be deleted. With these words I move the amendment.

Mr. M. Govindan: I support the amendment.

The Council adjourned *sine die* at 4-30 P. M.

P. PARAMESVARAN PILLAI,
Secretary to the Sri Chitra State Council.

PROCEEDINGS
of
THE TRAVANCORE SRI CHITRA STATE COUNCIL

(*OFFICIAL REPORT*)

FIRST COUNCIL.

VOLUME IX—NUMBER 6.

NINTH SESSION—1937/1112.

Monday, the 15th March 1937/2nd Meenom, 1112.

The Council met in the Victoria Jubilee Town Hall at Eleven of the Clock with Sachivottama Sir C. P. Ramaswami Aiyar K. C. I. E., Dewan—President, in the Chair.

MEMBER SWORN.

The following members took the oath and signed the Rolls.

1. Mr. C. V. Chandrasekharan, M. A., (Oxon) F. R. H. S. (*Director of Public Instruction*).
2. Mr. K. George. B. A. (*Land Revenue and Income Tax Commissioner*).
3. Rao Bahadur Rajyasevanirata N. Kunjan Pillai, M. A. B. Sc. Ph. D., (*Chief Secretary to Government*).
4. Mr. C. O. Madhavan, B. A., B L. (*Excise Commissioner*).
5. Mr. Kayalam Paramesvaran Pillai, B. A., B. L., (*Additional Head Sirkar Vakil*).
6. Mr. R. Pitchu Aiyangar (*Commissioner of Police*).
7. Rao Bahadur A. Rengasvami Aiyar, B. A., (*Financial Secretary to Government*).
8. Mr. James Simpson, M. B. ch. B. (*Durbar Physician*).
9. Mr. G. B. E. Truscott, (*Chief Engineer, Roads, Buildings and Irrigation*).

G. P. T. 2738. 350. 20-10-1112.

QUESTIONS AND ANSWERS.

Vembanad reclamation area.

106. ***Mr. K. Padmanabha Panickar** (*Ambalapuzha*): Will the Government be pleased to state:

(*a*) the total area of *kayal* lands reclaimed in the Vembanad reclamation area; and

(*b*) whether they have changed the classification of these lands after the original settlement, and, if so, which part and its extent?

Mr. K. George: (*a*) 13,938 acres 12·816 cents.

(*b*) Yes. The assessment in respect of 1,387 acres included in the R—Block of the Vembanad reclamations has been reduced to the 13th *tharam* of wet assessment from the 12th *tharam* fixed at the time of registry.

Area of lands in possession of the K. D. H. P. Company.

107. ***Mr. G. Narayana Aiyar**: (*Kunnatnad* cum *Parur*) Will the Government be pleased to state;

(*a*) the total area in the possession of the Kannan Devan Hills Produce Company actually cultivated by tea;

(*b*) the total area in their possession still remaining uncultivated:

(*c*) the amount of tax which could be realised annually if the uncultivated area is planted; and

(*d*) how long it is since such area remains uncultivated?

Mr. K. George: (*a*) 28,038·34 acres.

(*b*) 89,554·40 acres.

(*c*) The whole of the concession area has not been surveyed. It will not, therefore, be possible to say correctly the extent of the balance of cultivable lands in the concession area and the tax that can be realised therefrom. The Company has, however, agreed to pay tax for all the balance of occupiable grass lands estimated at 48,000. acres from 1112.

(*d*) It has all along remained uncultivated and unoccupied.

Tiffin shed for the English Middle School at Perumpavur.

108. ***Mr. G. Narayana Aiyar**: Will the Government be pleased to state:

(*a*) the number of school children who take their noon-day meals in the school building of the English Middle School at Perumpavur:

(*b*) whether there is any tiffin room attached to the above said school; and

(*c*) whether there is a full-time waterman in the school for the whole of the year?

Mr. C. V. Chandrasekharan: (*a*) About 40 pupils.

(*b*) No.

(*c*) No.

Mr. G. Narayana Aiyar: With reference to part (*b*) of the answer, may I know where the students of the school are taking their noon-day meals?

Mr. C. V. Chandrasekharan: Some in their class rooms, and some in the adjoining houses.

Mr. G. Narayana Aiyar: May I know whether the member does not consider it objectionable and inconvenient to allow children to take their noon-day meals in class rooms?

Mr. C. V. Chandrasekharan: Of course, it does entail some inconvenience.

Mr. G. Narayana Aiyar: Then is it not advisable to have a separate tiffin room for the students?

Mr. C. V. Chandrasekharan: Yes, it is advisable.

Compound wall for the English Middle School at Perumpavur.

109. ***Mr. G. Narayana Aiyar**: Will the Government be pleased to state:

(*a*) whether the English Middle School at Perumpavur is situated at the southern side of the public road leading from Perumpavur to Koovappadi,

(*b*) whether there is any compound wall for the said school on any of the sides; and

(*c*) whether sanction was accorded for putting up a compound wall for the said school and, if so, when and what was the estimate for the same?

Mr. C. V. Chandrasekharan. (*a*) Yes.

(*b*) No. There is a temporary fence on the western side.

(*c*) *First part.* No.

Second Part. This does not arise in view of the answer to the first part.

Mr. G. Narayana Aiyar: With reference to part (*a*) may I know the distance betwean the road and the school building?

Mr. C. V. Chandrasekharan: I claim notice.

Grazing ground in survey No. 351/1 in Cheranallur pakuthi.

110. ***Mr. G. Narayana Aiyar**: Will the Government be pleased to state:

(*a*) the total extent of the grazing ground in survey No. 351/1 in the Cheranallur pakuthi, Kunnatnad taluk;

(*b*) the average number of cattle that go to the grazing ground daily for grazing purposes, and

[Mr. G. Narayana Aiyar.]

(c) whether any portion of the same was registered in the name of private persons, and, if so, when and what is the extent of such registry?

Mr. K. George: (a) 235·50 acres.

(b) About 1,000 cattle.

(c) The answer is in the negative.

Mr. G. Narayana Aiyar: With reference to part (c), is the member aware that a large part of the area is being tresspassed upon by strangers and cultivated?

Mr. K. George: Government accept that information.

Conversion of the village road from the 140th mile in the M. C. Road to Airapuram.

111. **Mr. G. Narayana Aiyar**: Will the Government be pleased to state:

(a) whether they have received memorials from the inhabitants of Mazhuvannoor pakuthi in Kunnatnad taluk praying for the conversion of the village road leading south from the 140th milestone in the M. C. road to Airapuram:

(b) if the answer to part (a) is in the affirmative, when were such memorials received; and

(c) whether it is a fact that, in pursuance of the memorials, the said road was inspected by the Chief Engineer, and, if so, when it was inspected and what was the result of the inspection?

Mr. G. B. E. Truscott: (a) & (b) No; but the Chief Engineer received one in April 1924.

(c) The road does not seem to have been inspected by the Chief Engineer.

Mr. G. Narayana Aiyar: With reference to part (b) of the answer, may I know what action has been taken by the Chief Engineer after receiving the report in April 1924?

Mr. G. B. E. Truscott: A rough estimate for converting the road was duly prepared; and the question was referred to the Alwaye District Road Board. But they did not include it in the priority list of roads.

Transfer of Police Inspectors.

112. ***Mr. M. N. Paramesvaran Pillai** (*Municipal Councils*): Will the Government be pleased to furnish information on the following points:

(a) the number of transfers of Police Inspectors made by the present Commissioner of Police after he assumed charge of the department;

(b) the names of such Inspectors;

(c) the dates of such transfers and the period for which each Inspector was in charge of a particular station ; and

(d) the reasons for such transfers ?

Mr. R. Pitchu Aiyangar : (a) 130.

(b) and (c) A *statement giving the required information is placed on the table.

(d) Transfers of permanent Inspectors of Police are orderd on public grounds and of acting Inspectors, due to termination of vacancy.

Mr. M N. Paramesvaran Pillai : May I know whether there is any rule to the effect that Inspectors of Police should be retained in a particular place for any prescribed period ?

Mr. R. Pitchu Aiyangar : There is no such rule.

Mr. M. N. Paramesvaran Pillai : Is it not desirable to have such a rule ?

Mr. R. Pitchu Aiyangar : It is a matter of opinion.

Statue in memory of the late-lamented Maharaja.

113. ***Mr. M. N. Paramesvaran Pillai** : Will the Government be pleased to state :

(a) whether the following resolution has been passed at a sitting of the defunct Legislative Council on 11-2-1925 :—

"This Council recommends to the Government that steps be taken to commemorate the long, prosperous and glorious reign of His Highness Sri Mulam Thirunal, the late-lamented Maharaja of Travancore, by a befitting memorial, preferably a Chamber for the Legislative Council and a life size statue of His Highness";

(b) if so, what action has hitherto been taken in fulfilment thereof ; and

(c) whether any provision has been made for the erection of a life-size statute of His Highness the late-lamented Sri Mulam Thirunal in front of, or anywhere near, or inside the new Legislative Chamber (now under construction) when completed ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: (a) Yes.

(b) The site was selected and the foundation stone for the Council Chamber was laid by His Excellency to Viceroy in December 1933. Estimate for the construction of the new Council Chamber has been sanctioned and the work has been started. It is hoped that, before the year is out, the construction of the Chamber will have made good progress.

(c) This has to wait till the construction of the block of buildings proposed is completed.

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* *Vide* Appendix I. Pages 418 to 428.

Evening market at Avanakuzhi.

*114. **Mr. N. K. Padmanabha Pillai :** (*Neyyattinkara, cum Nedumangad*): Will the Government be pleased to state :

(*a*) whether an evening market has been opened at Avanakuzhi (അവണാകുഴി) in Kottukal pakuthi, Neyyattinkara taluk ;

(*b*) whether it is on the road itself or in any private compound ; and

(*c*) whether the traffic on the Poovar-Balaramapurom road is obstructed by the crowd in the said market every day ?

Mr. K. George : (*a*) Yes.

(*b*) The market is held on a road poramboke.

(*c*) It is reported that there is no obstruction to traffic.

Mr. N. K. Padmanabha Pillai : May I know the area of the market?

Mr. K. George : That information is not available now.

Compound wall of the English High School, Shencotta.

115. * **Mr. K. Sankaralingam Pillai** (*Kottarakara and Pttanapuram cum Shencotta*) : Will the Government be pleased to state:

(*a*) whether the compound wall of the English High School Shencotta, is in a very bad condition ;

(*b*) whether it is a fact that it is more than 3 years since the construction of a wall was sanctioned ; and

(*c*) why it is not taken up yet ?

Mr. C. V. Chandrasekharan : (*a*) Yes.

(*b*) It is two years and four months since the construction was sanctioned.

(*c*) For want of funds

Mr. K. Sankaralingam Pillai : In view of the safety of school children, will the Government be pleased to put up the compound wall ?

Mr. C. V. Chandrasekharan : It is a suggestion for future action, Sir.

Mr. S. Piraviperumal Pillai (*Commerce Industry, South*): Part (*c*) of the answer says "for want of funds". May I know whether it is because Shencotta is a Tamil District that funds do not becme available ?

Mr. C. V. Chandrasekharan No, Sir.

Lands left fallow during the Kanni crop of 1111.

116. ***Mr. V. S. Arumukham Pillai** (*Tovala cum Agastisvaram*): Will the Government be pleased to state :

(*a*) whether representations were received from the taluks of Tovala and Agastisvaram praying for remission of tax including water-cess in respect of lands left fallow during the Kanni crop of 1111.

(b) whether final orders have been passed on the above representations ;

(c) what is the date of the order ;

(d) whether the order was communicated to the memorialists concerned ;

(e) whether full remission of land, tax, including water-cess has been granted in respect of lands left fallow during the Kanni crop of 1111.

(f) if not, the reasons for not granting full remission ;

(g) why were lands lelt fallow during the Kanni crop of 1111 ; and

(h) whether a copy of the order will be laid on the table ?

Mr. K. George: (a) & (b) Yes.

(c) 15th January 1937.

(d) No.

(e) The answer is in the negative.

(f) The Government considered that complete remission was not necessary.

(g) Owing to drought and insufficiency of water in the Kodayar Reservoir

(h) No.

Re-settlement and survey.

117. ***Mr. V. S. Arumukham Pillai**: Will the Government be pleased to state :

(a) whether there are great inequalities in the matter of assessment of land-tax in the various parts of the State ;

(b) whether the assessment of land-tax in the taluks of Tovala and Agastisvaram is unequal and excessively high compared to other parts of the State;

(c) whether the Government have promised to remedy the inequalities by a new settlement ;

(d) whether the Government have proposed to inaugurate a re-settlement and a resurvey throughout the State; and

(e) if so, when are they going to be inaugurated ?

Mr. K. George: (a) The rates of assessment vary in different parts of the State according to the fertility of the soil, the situation of the land, irrigation and marketing facilities, etc.

(b) Government have no information about the assessment of land in Tovala and Agastisvaram, being unequal but the average rate of tax per acre of wet land is higher in these taluks than in the other parts of the State.

(c) Government have promised to go into the question at the time of the next settlement.

(d) & (e) The matter is under the consideration of Government.

Mr. V. S. Arumukham Pillai : With reference to part (*a*), may I know from the member whether in all places where the fertility of the soil, situation of the land and irrigation and marketting facilities are the same, the rates of assessment will be the same ?

Mr. K. George : Nothing to the contrary can be said.

Mr. V. S. Arumukham Pillai : Can it not be reasonably inferred from part (*a*) of the answer that the rates of assessment will be the same in all places where the fertility of the soil, situation of the land, and the irrigation and marketting facilities are the same ?

Mr. K. George : That was why I said that nothing to the contrary can be stated.

Mr. V. S. Arumukham Pillai : With reference to part (*b*), may I know whether there have been complaints about the inequality of assessment ?

Mr. K. George : Yes.

Mr. V. S. Arumukham Pillai : With reference to parts (*d*) and (*e*) of the answer, may I know how long the matter is going to be under the consideration of Government ?

Mr. K. George : Not for long ; Government are now looking into the preliminaries of that matter.

Assignment of lands in Pallivasal pakuthi.

118. ***Mr. Tariatu Kunjitomman :** Will the Government be pleased to state :

(*a*) when they published the notice in the Gazette that lands on the Pallivasal pakuthi, Devicolam taluk, would be assigned to the subjects of Travancore for cardamom cultivation ;

(*b*) the number of applications received by the Commissioner, Devicolam, within six months after the publication of the said notice, for assignment of lands depositing Rs. 5 per acre and how many acres of such land have been assigned to the applicants till the 10th Vrischikam 1112 ;

(*c*) if lands have not been assigned to anybody in accordance with the said applications, the reason therefor ;

(*d*) how many acres of land have, in accordance with the applications for cardamom cultivation, been surveyed and the records completed till now and in whose applications such lands are included ;

(*e*) whether they are taking any action to assign the surveyed lands in the names of those who have applied after depositing money so that the lands may be cultivated at least this year ; and

(*f*) whether the rules that were in force in regard to assignment of lands for cardamom cultivation were amended after the publication of a Notification in the Government Gazette that lands in the Pallivasal pakuthi would be assigned to the subjects of Travancore for cardamom cultivation and after the receipt of applications from Travancoreans for such lands with the necessary deposits ; and, if so, whether there is any special reason therefor ?

Mr. K. George : (*a*) 5th March 1935.

(*b*) First part—51

Second part—No land has yet been registered.

(*c*) Out of the 51 applications referred to above, 14 were rejected. The remaining 37 applications are under various stages of enquiry.

(*d*) A *statement furnishing the information is placed on the table.

(*e*) In cases in which final survey records have been received permission to enter on the land will be given by the Commissioner, Devicolam, as and when parties apply therefor.

(*f*) First part—The old Cardamom Rules were revised and the new Rules came into force on 30-9-1935.

Second part.—The question of revising the old Cardamom Rules and to issue them on a statutory basis was engaging the attention of Government for some time past. The new Rules were the natural result of the above intentions of Government.

Employees in the Water Works Department.

119. ***Mr. Tariatu Kunjitomman :** Will the Government be pleased to lay on the table a statement, by caste, of the employees in the Water Works Department drawing a pay of Rs. 25 and above ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: The †statement is placed on the table.

Tahsildars and Proverthikars.

120. ***Mr. Tariatu Kunjitomman :** Will the Government be pleased to lay on the table a statement, by caste, of Tahsildars and Proverthikars who are now in service ?

Mr. K. George : A ‡statement furnishing the information is placed on the table.

Lands under cultivation in the State.

121. ***Mr. V. S. Arumukham Pillai :** Will the Government be pleased to state :

**Vide* Appendix II. Page 429.

†*Vide* Appendix III. Page 430.

‡*Vide* Appendix IV. Page 430.

[Mr. V. S. Arumukham Pillai.]

(*a*) the extent of lands under paddy cultivation throughout the State ?

(*b*) the extent of lands under cocoanut, rubber, tea and cardamom cultivation throughout the State ;

(*c*) the amount of land revenue derived from paddy lands throughout the State; and

(*d*) the total land revenue derived from the whole State ?

Mr. K. George : (*a*) The member is referred to the Statistics of Travancore ;

(*b*) The information is available in the Statistics of Travancore except in the case of cardamom cultivation. The area under cardamom according to available statistics is about 52,047 acres ;

(*c*) Information regarding land revenue derived from paddy lands is not available. The *ayacut* tax due on wet lands in the State during 1111 was Rs. 17,35,927-24-6.

(*d*) The total *ayacut* tax due for the whole State in the year 1111 was Rs. 35,72,275-27-10.

Mr. V. S. Arumukham Pillai : May I know from what source the statistics have been prepared ?

Mr. K. George : The Revenue Department collected them.

Mr. V. S. Arumukham Pillai : May I know whether there are survey records for the purpose ?

Mr. K. George : Yes.

Mr. V. S. Arumukham Pillai : May I know when was the last survey conducted ?

Mr. K. George : Before the last settlement ; I cannot give the date.

Mr. V. S. Arumukham Pillai : Is it a fact that extensive lands have been brought under cultivation since the last survey ?

Mr. K. George : Yes. They have also been taken into account by the Revenue Department.

Mr. S. Piraviperumal Pillai : With regard to the extent of land under cocoanut, Tea, Rubber and Cardamom cultivation throughout the State, may I know whether it is a fact that when the question of rubber quota came up, the information contained in the statistics about lands under rubber cultivation was not found to be correct ?

Mr. K. George : Yes.

Mr. S. Piraviperumal Pillai : That being so, may I know whether the statistics, about the extent of land under cocoanut, tea and cardamom cultivation can be relied upon ?

Mr. K. George : Until the contrary is proved, they can be presumed to be correct.

Mr. S. Piraviperumal Pillai : When the contrary was proved with regard to rubber land, did the Government take any action ?

Mr. K. George : Yes.

Mr. S. Piraviperumal Pillai : May I know the nature of such action ?

Mr. K. George : Our officers went from place to place and collected the statistics.

Mr. S. Piraviperumal Pillai : May I know who went and where to.

Mr. K. George : Action was taken mainly with regard to the extent of lands under rubber cultivation.

Mr. S. Piraviperumal Pillai : What about the lands under cocoanut and tea cultivation ?

Mr. K. George : If it is proved that the extent of the lands as shown by the statistics is incorrect, necessary steps will be taken to rectify mistakes, if any.

Mr. S. Piraviperumal Pillai : When the statistics were proved to be incorrect in regard to rubber lands, may I know whether the information contained therein about cocoanut and tea lands could not be presumed to be incorrect ?

Mr. K. George : No.

Mr. S. Piraviperumal Pillai : Am I to take it, therefore, that, when the contrary was proved in regard to rubber lands the Government did not consider it necessary to ascertain whether the statistics in regard to the extent of lands under cocoanut and tea cultivation were correct and reliable ?

Mr. K. George : There was no necessity to take any action in regard to the extent of cocoanut and tea lands.

Mr. S. Piraviperumal Pillai : Could the statistics relating to cocoanut and tea lands be relied upon in the face of the incorrectness discovered in regard to the rubber lands ?

Mr. K. George : That alone was found unreliable.

M. S. Piraviperumal Pillai : How did Government ascertain that the figures of the rubber area were unreliable ?

Mr. K. George : Because of the complaints made.

Mr. S. Piraviperumal Pillai : Am I to take it that because there are no complaints in regard to the figures relating to cocoanut and tea lands, they are taken to be correct ?

Mr. K. George: To some extent.

Lands under cultivation in the taluks of Tovala and Agastisvaram.

122. ***Mr. V. S. Arumukham Pillai**: Will the Government be pleased to state:

(*a*) the extent of lands under paddy cultivation throughout the taluks of Tovala and Agastisvaram;

(*b*) the extent of lands under cocoanut, rubber, tea and cardamom cultivation throughout the taluks of Tovala and Agastisvaram;

(*c*) the amount of land revenue derived from paddy lands throughout the taluks of Tovala and Agastisvaram; and

(*d*) the total land revenue derived from the taluks of Tovala and Agastisvaram?

Mr. K. George: (*a*) The information required is available in the Statistics of Travancore.

(*b*) The information required is available in the Statistics of Travancore except in the case of cardamom, 25 acres under cardamom cultivation in the Tovala taluk and none in the Agastisvaram taluk.

(*c*) The *ayacut* tax due on wet lands in 1111 M. E. is Rs. 3,05,421-17-3.

(*d*) The total *ayacut* tax due in 1111 M. E. was Rs. 3,39,672-8-13.

Designs for Periyar Bridge at the Alwaye-Parur crossing.

123. ***Mr. G. Narayana Aiyar**: Will the Government be pleased to state:

(*a*) whether they have called for alternate designs for the construction of the bridge over the Periyar river at the Alwaye-Parur crossing; and

(*b*) whether any design was prepared for the said bridge by the P. W. D.; and, if so, who prepared the same?

Mr. G. B. E. Truscott: (*a*) Yes.

(*b*) Yes, the Chief Engineer.

Mr. G. Narayana Aiyar: With reference to part (*a*), may I know how many alternate designs have been received?

Mr. G. B. E. Truscott: None;

Supply of drinking water in Kumarakam and other places of Kuttanad.

124. ***Mr. M. N. Narayana Menon**: Will the Government be pleased to state:

(*a*) whether the absence of pure drinking water in Kumarakam and other places of Kuttanad has come to their notice; and

(*b*) whether they have any measures in view for supplying drinking water to those places ?

Mr. K. Paramesvara Panickar (*Ag. Secretary to Government*) : (*a*) No representation on the subject has been received from the people of Kumarakam. But people of Moncombu, Kainakari and other places of Kuttanad have brought the fact to the notice of Government.

(*b*) The question is under the consideration of Government.

Mr. M. N. Narayana Menon (*Kottayam*): കമരകത്തെപ്പററി അന്വേഷണം നടത്തുമോ?

Mr. K. Paramesvara Panickar : അതിനെപ്പററി ഗവൎമ്മെന്റു യഥാസമയം ആലോചിക്കാം.

Joining of the Mavelilthodu with the Vembanad lake.

125. ***Mr. M. N. Narayana Menon** : Will the Government be pleased to state :

(*a*) how many years it is since the people have been petitioning them to cut open the Mavelil *thodu* running from the Illikal river so as to connect it with the Vembanad lake ; and

(*b*) whether any action has been taken in connection with this ?

Mr G. B. E. Truscott : (*a*) Two years and eight months.

(*b*) An estimate has been received from the Chief Engineer; but the P. W. D, is considering the desirability or otherwise of changing the alignment already adopted in the above estimate.

Appendix I.

***Vide* Answer to Question No. 112.**

Statement showing the names of Inspectors who have been transferred with the dates of transfer and the period for which each Inspector was in charge of a particular Station.

No.	Name of Inspector.	Dates of transfer.	Station.	Period.
1	Mr. N. Chandrasekharan Nair, B. A., B. L.	2-7-1111 and 8-10-1111	(a) Quilon Town Station	1 year, 2 months and 19 days from 11-4-1110
			(b) Trivandrum C. I. D.	3 months and 6 days from 2-7-1111
			(c) Alleppey Station	From 8-10-1111 onward.
2	,, M. Achuthan, M. A., B. L.	21-1-1111 and 25-6-1111	(a) Prosecuting Inspector, Trivandrum Rural.	2 years, 7 months and 16 days from 5-6-1108
			(b) Puthenchanthai Station	5 months and 3 days from 21-1-1111
			(c) Trivandrum C. I. D.	From 25-6-1111 onward.
3	,, P R. Subramonia Aiyar, B. A. (S. P. T.)	2-7-1111 and 10-11-1111	(a) Trivandrum C. I. D.	1 year and 21 days from 11-6-1110
			(b) Puthenchanthai	3 months and 8 days from 2-7-1111
			(c) Trivandrum C. I. D.	From 10-10-1111 onwards.
4	,, T. R. Vaidyanatha Aiyar, B. A, B. L.	11-1-1111 and 17-11-1111	(a) Kottayam Station	3 months and 26 days from 14-9-1110
			(b) Prosecuting Inspector, Perumpavoor	10 months and 5 days from 11-1-1111
			(c) Perumpavoor Station	From 17-11-1111 onward.
5	,, M. M. George. B. A, B. L.	1-7-1111	(a) Prosecuting Inspector, Kottayam Division	5 years, 4 months and 24 days from 7-2-1106
			(b) C. I. D. Do.	From 1-7-1111 onward,
6	,, K. T. Varkey, B. A., B. L.	28-12-1110	(a) Pampady Station	1 year, 2 months and 9 days from 19-10-1109
			(b) Arukutty Station	From 28-12-1110 onward.

APPENDIX I—(*contd.*)

No.	Name of Inspector.	Dates of transfer.	Station.	Period.
7	Mr. P. Gopalan, B.A.	26-11-1110 and 14-3-1111	(*a*) Arukutty	1 year, 7 months and 14 days from 12-4-1109.
			(*b*) Mavelikara	3 months and 17 days from 26-11-1110
			(*c*) Pattanamtitta	From 14-3-1111 onward.
8	,, K Paramesvaran Pillai, B.A.	19-11-1110 and 24-11-1111	(*a*) Changanachery	2 years, 1 month and 16 days from 2-10-1108
			(*b*) Tiruvalla Station	1 year and 2 days from 19-11-1110
			(*c*) Quilon Town Station	From 24-11-1111 onward.
9	,, M. V. Thomas, B.A., B.L.	4-1-1111 and 6-11-1111	(*a*) Shertalai	8 months and 2 days from 22-4-1110.
			(*b*) Peermade	9 months and 20 days from 4-1-1111.
			(*c*) Prosecuting Inspector, Perumpavoor	From 6-11-1111 onward.
10	,, P. A. Mohamed, B. A.	10-1-1111, 21-6-1111 and 7-4-1112	(*a*) Peermade	1 year, 11 months and 20 days from 13-1-1109.
			(*b*) Kottayam	5 months and 7 days from 10-1-1111.
			(*c*) Shertalai	6 months and 3 days from 21-6-1111.
			(*d*) Peermade	From 7-4-1112 onward.
11	,, K. Sankara Pillai	17-6-1111 and 23-7-1111	(*a*) Shertalai	5 months and 22 days from 24-12-1110.
			(*b*) Kottayam	26 days from 17-6-1111.
			(*c*) Kuthattukulam	From 23-7-1111 onward.
12	,, V. Narayanan Namputiri, B.A.	6-3-1111	(*a*) Ettumanur	4 months and 18 days from 12-10-1110.
			(*b*) Vaikam	From 6-3-1111 onward. From 3-8-1111 he is on leave.
13	,, K. Karunakara Kartha, B.A.	19-10-1111	(*a*) Changanachery	10 months and 16 days from 26-11-1110
			(*b*) Attingal	From 19-10-1111 onward.

APPENDIX I—(*contd.*)

No.	Name of Inpector.	Date of transfer.	Station.	Period.
14	Mr. M. C. Philip, B. A.	17-3-1111	(a) Karukachal	5 months from 2-10-1110.
			(b) Kanjirappalli	From 17-3-1111 onward.
15	,, T. T. Varghese, B. A. (Ag. I. P.)	6-11-1111, 16-11-1111 and 25-11-1111	(a) Munambom	4 months and 25 days from 4-6-1111.
			(b) Perumpavoor	8 days from 6-11-1111.
			(c) Arukutty	8 days from 16-11-1111.
			(d) Karukachal	From 25-11-1111 onward.
16	,, P. Padmanabhan Tampi, B. A.	16-3 1111	(a) Pampady	3 months and 12 days from 29-11-1110.
			(b) Mavelikara	From 16-3-1111 onward.
17	,, K, Narayanan, B.A.	22-3-1111	(a) Paravoor Station	2 years, 2 months and 24 days from 22-3-1109.
			(b) Pampady	From 22-3-1111 onward.
18	,, P. N. Govindan Nair, Ag. (I. P.)	20-1-1111 and 1-3-1111	(a) Mundakayam	29 days from 11-12-1110.
			(b) Chengannur	1 month and 11 days from 20-1-1111.
			(c) Ettumanur	1 year 2 months and 21 days from 1-3-1111.
19	,, P. L. Cleetus, B. A.	30-2-1111 and 21-1-1112	(a) Devicolam	1 year 6 months and 27 days from 21-7-1109.
			(b) Muvattupuzha	10 months and 9 days from 30-2-1111.
			(c) Kottayam	From 21-1-1112 onward.
20	,, C. K. Oommen, B. A.	3-11-1111, 30-11-1111 and 19-1-1112	(a) Kottar	2 years, 2 months and 16 days from 10-8-1109.
			(b) Kazhakuttom	14 days from 3-11-1111.
			(c) Peermade	1 month and 19 days from 30-11-1111.
			(d) Muvattupuzha	From 19-1-1112.

APPENDIX I.—(*contd.*)

No.	Name of Inspector.	Date of Transfer.	Station.	Period.
21	Mr. M. Krishna Pillai, B. A. (Hons.)	18-2-1111	(*a*) Thiruvattar	1 year, 6 months and 13 days from 19-7-1109
			(*b*) Devicolam	From 18-2-1111 onward
22	,, G. Raman, B. A.	30-2-1111 & 1-12-1111	(*a*) Pattanamtitta	1 year, 11 months and 26 days from 20-2-1109
			(*b*) Udumbanchola	8 months and 23 days from 30-2-1111
			(*c*) Quilon Taluk	From 1-12-1111
23	,, K. Ramachandra Aiyar, B. A.	7-3-1111, 5-6-1111, 3-7-1111 & 1-12-1111	(*a*) Vaikam	7 months and 24 days from 12-7-1110
			(*b*) Murajapam Special duty	2 months and 28 days from 7-3-1111
			(*c*) Trivandrum C. I. D.	25 days from 5-6-1111
			(*d*) Quilon Taluk Station	4 months and 27 days from 3-7-1111
			(*e*) Tiruvalla Station	From 1-12-1111 onward
24	,, N. S. Sankaranarayana Aiyar, B. A., B. L.	3-5-1111 & 23-11-1111	(*a*) Sherthala	5 months and 5 days from 19-11-1110
			(*b*) Aranmula	6 months and 16 days from 3-5-1111
			(*c*) Meenachil	From 23-11-1111 onward
25	,, K. Madhavan Pillai, B. A.	22-9-1111	(*a*) Erattupetta	2 years, 5 months and 11 days from 7-4-1109
			(*b*) Kottarakkara	From 22-9-1111 onward
26	,, K. Raman Menon	31-10-1111, 19-11-1111 & 8-5-1112	(*a*) Kuthattukulam	1 year, 5 months and 25 days from 28-1-1110
			(*b*) Karunagappalli	17 days from 31-10-1111
			(*c*) Aranmula	2 months and 12 days from 19-11-1111
			(*d*) Kothamangalam	He went on leave since
				From 8-5-1112 onward

APPENDIX I.—(*contd.*)

No.	Name of Inspector.	Date of Transfer.	Station.	Period.
27	Mr. T. A. Sankara Pillai	15-3-1111 & 20-2-1112	(*a*) Muvattupuzha	2 years, 4 months and 21 days from 29-9-1108
			(*b*) Thiruvattar	10 months and 21 days from 15-3-1111
			(*c*) Edappally	From 20-2-1112 onward
28	,, N. Thankaswamy Nadar, B. A.	27-11-1110, 8-5-1111, 11-1-1112 & 22-1-1112	(*a*) Tiruvalla	3 months and 6 days from 13-8-1110
			(*b*) Kothamangalam	5 months and 11 days from 27-11-1110
			(*c*) Edappally	8 months and 2 days from 8-5-1111
			(*d*) Muvattupuzha	8 days from 11-1-11112
			(*e*) Aramboly	From 22-1-1112 onward
29	,, G. Kesava Pillai	17-5-1111, 26-7-1111 & 22-2-1112	(*a*) Edapally	10 months and 21 days from 26-6-1110
			(*b*) Kothamangalam	2 months and 9 days from 17-5-1111
			(*c*) Kattakada	6 months and 22 days from 26-7-1111
			(*d*) Nedumangad	From 22-2-1112 onward
30	,, P. Vaidyanatha Aiyar B. A.	24-11-1110 & 13-7-1111	(*a*) Puthenchanthai	11 months and 15 days from 4-12-1109
			(*b*) Warkala Station	7 months and 9 days from 24-11-1110
			(*c*) Kottayam	6 months and 5 days from 13-7-1111
				His services have since been dispensed with
31	,, K. N. Chacko, B. A., B. L.	25-11-1110, 14-6-1111, 1-8-1111 & 20-10-1111	(*a*) Adoor	1 year, 10 months and 22 days from 18-12-1108
			(*b*) Perumpavoor	6 months and 19 days from 25-11-1110
			(*c*) Prosecuting Inspector, Kottayam	1 month and 17 days from 14-6-1111
			(*d*) Perumpavoor	2 months and 19 days from 1-8-1111
			(*e*) Alwaye	From 20-10-1111 onward

APPENDIX I—(*contd.*)

No.	Name of Inspector.	Date of transfer.	Station.	Period.
32	Mr. V. Mariarputham, B. A.	26-10-1111	(*a*) Alwaye (*b*) Kottar	1 year and 20 days from 25-9-1110. From 26-10-1111 onward
33	„ T. Paul, B. A., B. L.	19-5-1111 23-6-1111 and 22-10-1111	(*a*) Todupuzha (*b*) Punalur (*c*) Special duty, Kottayam District (*d*) Parur Station	1 year, 1 month and 26 days from 10-3-1110. 27 days from 19-5-1111. 3 months and 16 days from 23-6-1111. From 22-10-1111 onward
34	„ W. V. Thomas, (Ag. I. P.)	23-2-1111 and 26-10-1111	(*a*) Pallivasal Station (*b*) Parur (*c*) Kayankulam	10 months and 13 days from 9-4-1110 7 months and 29 days from 23-2-1111 From 26-10-1111 onward
35	„ P. Paramesvaran Pillai	12-10-1111	(*a*) Karunagappalli (*b*) Changanachery	2 years, 9 months and 9 days from 24-10-1108 From 12-10-1111 onward
36	„ Jaffar Khan, (Ag. I. P.)	26-9-1111	(*a*) Kottarakara (*b*) Erattupetta	9 months from 22-12-1110 From 26-9-1111 onward
37	„ V. Thanusubramonia Aiyar	13-3-1112	(*a*) Ambalapuzha (*b*) Todupuzha	3 years and 5 months from 6-10-1108 From 13-3-1112 onward
38	T. Kumaran Tampi	22-10-1111 and 6-2-1112	(*a*) Attingal (*b*) Neyyattinkara	3 years, 1 month and 2 days from 17-9-1108 3 months and 5 days from 6-2-1112
39	„ P. K. Gopala Pillai, B. A.	1-8-1111	(*a*) Tuckalai Prosecuting Inspector of Police (*b*) Kottayam Do.	3 years, 3 months and 8 days from 9-4-1108 From 1-8-1111 onward

APPENDIX I.—(*contd.*)

No.	Name of Inspector.	Date of transfer.	Station.	Period.
40	Mr. Rama Rao (Ag. I.P.)	5-5-1111 and 17-3-1112	(*a*) Munambam (*b*) Todupuzha (*c*) Ambalapuzha	6 months and 15 days from 23-10-1110 9 months and 28 days from 15-5-1111 From 17-3-1112 onward.
41	,, G. Paramesvaran Pillai, (Ag. I. P.)	24-11-1111 and 24-12-1111	(*a*) Minachil (*b*) Pampady (*c*) Shertala	1 year, 4 months and 17 days from 6-7-1110 1 month from 24-11-1111 From 24-12-1111 onward.
42	,, S. Padmanabha Aiyangar (S. P. T.)	31-2-1111 and 27-1-1112	(*a*) Parur (*b*) Aramboly (*c*) Edalakudy	1 year, 10 months and 5 days from 11-4-1109 10 months and 21 days from 31-2-1111 From 27-1-1112 onward.
43	,, A. S. Daivanayagam Aiyar, B. A., B. L.	15-3-1111 and 8-7-1111	(*a*) Pulincunnu (*b*) Murajapom Special duty. (*c*) Prosecuting Inspector of Police, Trivandrum Town	3 months and 8 days from 29-11-1110 2 months and 20 days from 15-3-1111. From 8-7-1111 onward.
44	,, N. Velu Pillai.	17-5-1111	(*a*) Aranmulai (*b*) Munambam	3 years, 6 months and 20 days from 12-10-1107. From 17-5-1111 onward.
45	,, Ben Fernandez.	22-5-1111	(*a*) Alleppey (*b*) Pulincunnu	1 year, 1 month and 2 days from 14-4-1110. 4 months and 20 days from 22-5-1111. He is now on leave.

APPENDIX I.—(*contd.*)

No.	Name of Inspector.	Date of transfer.	Station.	Period.
46	Mr. S. Ganesa Aiyar B. A.	19-1-1111 28-4-1111 and 21-5-1112	(*a*) Prosecuting I. P., Perumpavoor (*b*) Punalur (*c*) Shencotta	8 months and 17 days from 23-4-1110. 3 months and 5 days from 19-1-1111. 11 months and 3 days from 28-4-1111 and again from 21-5-1112 onward. In the interval he was Ag. A. S. P. Kottayam.
47	„ V. K. Vasudevan, B. A., B. L.	26-3-1111	(*a*) Chengannur Station (*b*) Paravoor	1 year, 1 month and 12 days from 4-2-1110. From 26-3-1111 onward.
48	„ K. Nainan.	24-11-1110 26-10-1111 and 26-11-1111	(*a*) Warkala (*b*) Kayankulam (*c*) Pulincunnu (*d*) Karunagapalli	7 months and 27 days from 24-3-1110. 11 months from 24-11-1110. 27 days from 26-10-1111. From 26-11-1111 onward.
49	„ William Michæl D'Cruz, B. A.	16-6-1111	(*a*) Aramboly (*b*) Punalur	1 year and 2 months from 29-12-1109. 6 months and 26 days from 16-6-1111. (He is now on leave).
50	„ Fernando (Ag. I. P.)	11-1-1111 28-2-1111 13-7-1111 1-10-1111 24-10-1111 11-4-1112 and 22-5-1112	(*a*) Nedumangad (*b*) Pattanamtitta (*c*) Pallivasal (*d*) Arukutty (*e*) Vattiyoorkavu (*f*) Peermade (*g*) Shencotta (*h*) Ettumanoor	3 months and 17 days from 16-9-1110. 29 days from 10-2-1111. 4 months and 3 days from 28-2-1111. 2 months from 13-7-1111. 18 days from 1-10-1111. 5 months and 12 days from 24-10-1111. 1 month and 11 days from 11-4-1112. From 22-5-1112 onward.

APPENDIX I—(*contd.*)

No.	Name of Inspector.	Date of transfer.	Station.	Period.
51	Mr. P. Soman Pillai, M. A. (Ag. I. P.)	13-7-1111 and 23-11-1111	(*a*) Tuckalai	1 month and 22 days from 20-5-1111.
			(*b*) Quilon Town Station	3 months and 14 days from 13-7-1111.
			(*c*) Udumbanchola	From 23-11-1111 onward.
52	,, S. Nuhu Khan (Ag. I. P.)	3-7-1111	(*a*) Quilon Taluk	1 year, 10 months and 10 days from 23-8-1109.
			(*b*) Warkala	From 3-7-1111 onward.
53	,, T. I. Oommen Tharakan (Ag. I. P.)	16-2-1111 and 16-3-1111	(*a*) Udumbanchola	1 year, 2 months and 27 days from 10-11-1109.
			(*b*) Pattanamtitta	27 days from 16-2-1111.
			(*c*) Karukachal	8 months from 16-3-1111. He has since been reverted
54	,, S. Subhramanya Pillai, B. A. (Ag. I. P.)	22-2-1111 8-3-1111 16-5-1111 and 10-10-1111	(*a*) Kothamangalam	2 months and 10 days from 11-9-1110
			(*b*) Pallivasal	6 days from 22-2-1111
			(*c*) Pulincunnu	2 months and 7 days from 8-3-1111
			(*d*) Alleppey	4 months and 23 days from 16-5-1111
			(*e*) Puthenchanthai	16 days from 10-10-1111. He has since been reverted
55	,, P. Velayudhan Pillai, (Ag. I. P.)	23-3-1111 and 3-8-1111	(*a*) Kanjirapalli	9 months and 6 days from 10-6-1110
			(*b*) Chengannur	23 days from 23-3-1111
			(*c*) Karunagappally	2 months and 28 days from 3-8-1111
56	,, N. Paramesvaran Pandalai, B. A., B. L.	31-2-1111 27-10-1111 and 23-11-1111	(*a*) Nedumangad	1 month and 19 days from 3-1-1111
			(*b*) Kazhakuttam	7 months and 19 days from 31-2-1111
			(*c*) Quilon Town Station	21 days from 27-10-1111
			(*d*) Pulincunnu	From 23-11-1111 onward

APPENDIX I—(*contd.*)

No.	Name of Inspector.	Date of transfer.	Station.	Period.
57	Mr. P. C. Chandy, B. A., B. L.	17-11-1111 17-4-1112 and 7-5-1112	(*a*) Vattiyurkavu (*b*) Kazhakuttom (*c*) On special duty as Law Instructor to Probationary I. P. (*d*) Nemom	2 years, 8 months and 8 days from 23-1-1109 4 months and 28 days from 17-11-1111 20 days from 17-4-1112 From 7-5-1112 onward
58	„ P. M. Mammen, B. A.	19-10-1111	(*a*) Neyattinkara (*b*) Vattiyoorkavu	3 years and 16 days from 29-9-1108 From 19-10-1111 onward
59	„ P. Gnanamuthu Nadar	14-1-1112	(*a*) Tuckalai (*b*) Vilavankod	2 years and 5 days from 5-10-1110 From 14-1-1112 onward
60	„ V. R. Narayanan	21-1-1112	(*a*) Vilavankod (*b*) Tuckalai	1 year, 11 months and 17 days from 26-1-1110 From 21-1-1112 onward
61	„ P. Krishna Pillai, (Ag. I. P.)	16-6-1111 22-2-1112	(*a*) Kattakada (*b*) Nedumangad (*c*) Neyyattinkara	7 months and 12 days from 4-11-1110 8 months and 5 days from 16-6-1111 From 22-2-1112 onward
62	„ M. Govinda Pillai. (Ag. I. P.)	4-12-1110 7-2-1111 and 27-1-1112	(*a*) Kottar (*b*) Kazhakuttam (*c*) Edalakudy (*d*) Neyyattinkara	24 days from 7-11-1110 2 months and 1 day from 4-12-1110 11 months and 2 days from 7-2-11111 25 days from 27-1-1112. He is now under suspension

APPENDIX I—(*concld.*)

No.	Name of Inspector.	Date of transfer.	Station.	Period.
63	Mr. L. Sankaran Nair (Traffic Inspector of Police)	12-1-1112	(*a*) Nagercoil	1 year, 8 months and 22 days from 20-4-1110
			(*b*) Trivandrum	From 12-1-1112 onward.
64	N. B. Moriera, (Traffic Inspector of Police)	19-1-1112	(*a*) Trivandrum	1 year, 2 months and 14 days from 28-10-1110.
			(*b*) Nagercoil	From 19-1-1112 onward.
65	,, A. Palpu, B. A., B. L.	20-1-1111	(*a*) Manager, Head Quarters Office	2 years 7 months and 15 days from 5-6-1108.
			(*b*) Prosecuting Inspector, Trivandrum Rural	From 20-1-1111 onward.
66	,, M. Raja Raja Varma, B. A.	20-1-1111	(*a*) Puthenchanthai	2 months and 1 day from 19-11-1110
			(*b*) Manager, Head Quarters Office.	8 months and 6 days from 20-1-1111. He is now acting Assistant Superintendent of Police, Chengannur.

Appendix II.

Vide Answer to Question No 118.

Statement showing the particulars of the area in Pallivasal in respect of which final survey records have been received.

Serial No.	*Name of applicant.*		*Area.* *Acre.*	*Cent.*
1	N. J. Job	...	14	16
2	Varkey Puravathu	...	5	05
3	Tariyatu Kunjitomman	...	51	90
4	Narayanan Venkitan Potti	...	33	45
5	V. Neelakanta Aiyar	...	16	54
6	A. Raman Pillai	...	30	26
7	Dr. M. N. Pillai	...	11	95
8	C. U. Varkey	...	44	30
9	M. O. Cheriyan	...	29	83
10	T. K. Varkey	...	29	89
11	T. V. Augusthy	...	1	30
12	M. M. Kuriakose	...	3	43
13	G. Silus Fletcher	...	5	17
14	P. O. Mathai	...	25	38
15	Mariammal Pennammal	...	3	19
16	M. P. Mathew	...	5	73
17	M. Sundaresa Aiyar	...	51	42
18	S. Sthanunatha Aiyar	...	17	20
19	G. Purushothaman Pillai	...	8	95
20	Yacob Rodriguez	...	7	88
21	Narayana Kurup	...	46	53
22	Chacki Amma Parvathy Amma	...	11	22
23	V. P. Varghese	..	6	47
24	P. Kuriyan John	...	118	10
25	C. Rocha	...	10	74
26	P. I. Varghese	...	10	56
27	Pothen Philip	...	15	92
28	E. Raman Tampi	...	25	60
29	K. Parukutty	...	5	05
30	Aiyappan Narayanan	...	2	87
31	Chacko Issac	...	52	25
32	N. Govinda Menon	...	40	36
33	Tariyatu Kunjitomman	...	167	35
34	N. Govinda Menon	...	61	12
35	Pyli Pyli	...	2	73
36	Varghese Michael Kutty	...	3	25
37	Chacko Chacko	...	4	25
38	Ammalu Amma	...	3	00
39	Kochu Pennu Kochu Pappy	...	5	80
40	P. I. Gopalan Nair	...	51	76
41	K. Nilakanta Pillai	...	23	63
42	M. O. Cheriyan	...	21	26
43	Secretary, Pallivasal Co-operative Society	...	137	92
	Total	......	1224	72

Appendix III.

Vide Answer to Question No. 119.

Statement by caste of the employees of the Water-Works and Drainage Engineering Department drawing a pay of Rs. 25 and above.

S. No.		*Community.*	*Nos.*	*Remarks.*
A	HINDU.	1. Brahmins ...	39	
		2. Nairs ...	15	
		3. Other caste Hindu ...	1	(Varier)
		4. Kammala ...	1	
		5. Nadar ...	...	
		6. Ezhavas ...	3	
		7. Cheramar (Pulaya) ...	,,	
		8. Other Hindus ...	6	
B	MUSLIM.	...	1	
C	CHRISTIANS.			
		1. Jacobite ...	6	
		2. Marthomite ...	3	
		3. Syrian Catholic ...	3	
		4. Latin Catholic ...	2	
		5. South India United Church ...	,,	
		6. Other Christian ...	,,	

Appendix IV.

Vide Answer to Question No. 120.

Statement, by caste of Tahsildars and Proverthicars in service.

	Caste.	*Tahsildars.*	*Proverthicars*
A	HINDUS.		
	1. Brahmin ...	5	28
	2. *Nayar ...	10	303
	3. Other caste Hindus ...	2	32
	4. Kammalas ...	,,	1
	5. Ezhavas	3	3
	6. Other Hindus ...	,,	19
B	MUSLIMS. ...	1	2
C	CHRISTIANS		
	1. Jacobite ...	2	14
	2. Marthomite ...	2	,,
	3. Latin Catholic ...	2	,,
	3. Syrian Catholic ...	1	1
	5. South India United Church	2	,,
	6. Other Christians ...	1	,,
		31	403

*Includes the Manager of the Land Revenue and Income Tax Commissioner's Office.

REGULATIONS ASSENTED TO BY HIS HIGHNESS THE MAHARAJA.

Secretary to the Council: Sir, I beg to report that the Travancore Ancient Monuments Preservation Bill, the Travancore Rubber Control Bill, the Travancore Agriculturists' Relief Bill, and the Travancore Life Assurance Companies Bill' have received the assent of His Highness the Maharaja.

DEMANDS FOR SUPPLEMENTARY GRANTS.

Public Works Department.

Mr. G. B. E. Truscott: Sir, I beg to move for a grant not exceeding Rs. 10,000 for work in connection with the provision of additional accommodation in the General Hospital, Trivandrum. An estimate for Rs. 25,670 has been sanctioned by the Government for the work in question. Of this, Rs. 15,000 alone was provided in the Budget for the current year. The work is in speedy progress, and we want to complete it, this year if possible and so I move for this supplementary grant of Rs. 10,000 to complete the works.

Mr. S. Piraviperumal Pillai: Sir, with regard to the grant now asked for, before granting this amount, we have first of all to be assured by the Chief Engineer that the buildings that are to be constructed will be safely constructed. The President and Mr. Truscott smile at what I say. We must consider this question very carefully. If it were any other building, I would not have emphasised that we must take particular care about the safety of the building. Sir, those who go to hospitals do so on account of some malady.

President: Does the honourable member mean to say that it does not matter whether this building for instance, is safe or not? (*Laughter*.)

Mr. S. Piraviperumal Pillai: I do not mean to go so far; at any rate, one portion of it must be safe.

President: You cannot have buildings falling down in bits.

Mr. S. Piraviperumal Pillai: Our experience in Travancore has been like that, Sir.

I said special care should be taken with regard to hospital buildings, because the patients who are housed there should not be killed by the buildings collapsing. Three years ago, a Hospital building, at Oolampara collapsed almost immediately after it was constructed, and the information we received was that the result was fatal to some patients. When the Chief Engineer was asked to give information, by the editor of a responsible daily in Trivandrum, this was what the Chief Engineer replied, [in his letter No. 1175, dated 14-5-34:—

[Mr. S. Piraviperumal Pillai.]

"With reference to your letter dated the 4th May 1934, regarding certain information on the collapse of some sheds in the Oolampara hospital compound, I write to inform you that I regret I am not in a position to comply with your request. The photo sent with your letter is returned herewith.

I am really surprised at this answer. Is there anything confidential in this? The buildings collapsed and the information was that some patients were fatally injured. When the representative of a responsible paper in Trivandrum asked for this information why should the Chief Engineer deny it? Mark the words of the Chief Engineer "regarding certain information on the collapse of some *sheds* in the Oolampara Hospital," as though only some provisional or temporary sheds alone fell down. But let us see what is stated in the Administration Report. There it is stated that two semi-permanent buildings fell down on the 1st of Medom 1109. They were semi permanent buildings. Therefore if we are to grant this amount, we must be assured that the buildings that are to be constructed for the General Hospital would not share the fate of the buildings at Oolampara. If the chief Engineer in his reply does not give an assurance to that effect, I think, I, for my part, shall not vote for this grant.

Mr. G. B. E. Truscott: I may assure the House that the building will not collapse, provided no earthquake takes place.

Mr. S. Piraviperumal Pillai: May I know whether there was any earthquake when the buildings at Oolampara collapsed?

Mr. G. B. E. Truscott: I did not build those buildings. Although the Chief Engineer gave that answer to the newspaper representative, he could have written to Government for the information. It is not the duty of the Chief Engineer to supply information to newspapers; he cannot do it without the orders of Government.

Mr. S. Piraviperumal Pillai: Question.

Mr. G. B. E. Tuscott: There is no necessity to question it. It is a fact.

President: No departmental head is allowed to communicate with newspapers. If he does so, he will be dealt with.

Mr. J. John Kattakayam (*Muvattupuzha* cum *Todupuzha*): സർ, ഞാൻ ഈ ഡിമാൻഡിനെ അനുകൂലിക്കുന്നു. എന്നാൽ ഇങ്ങനെ ഗവൺമെൻറ് ധനാഭ്യർത്ഥന കൊണ്ടുവരുന്ന നയത്തെപ്പററി എനിക്കു രണ്ടു വാക്ക് പറവാനുണ്ടു. സപ്ലിമെൻററി ഡിമാൻഡുകൾ ഉദ്യോഗസ്ഥ പക്ഷത്തുനിന്നും സാധാരണ കൊണ്ടുവരാറുണ്ട്. സ്റേറഷനറിയും പ്രി

ന്റിംഗും കൺട്രോളറായി ഉദ്യോഗത്തിന് ഒരാളെ നിയമിക്കുന്നതിന മുമ്പോരിക്കൽ അടിയന്തിരമായി ഒരു ധനാഭ്യർത്ഥന കൊണ്ടുവരികയും സഭ അതു അനുവദിക്കുകയും ചെയ്തു. എന്നാൽ അതിനെ ആളെ കിട്ടിയില്ല എന്നുപറഞ്ഞു ഗവൺമെന്റു ആ തുക വ്യയം ചെയ്തില്ല. ഇങ്ങനെയുള്ള സംഗതികൾ ഡിപ്പാർട്ടുമെന്റുമേധാവികൾ ബഡ്ജറ്റു സമയത്തു തന്നെ ആലോചിച്ചു അതിൽ ഉൾപ്പെടുത്തിയിരുന്നാൽ സഭയുടെ ഈ പരിമിതമായ സമയത്തെ ദുരുപയോഗപ്പെടുത്തേണ്ടിവരികയില്ലായിരുന്നു. ഏതായാലും ചീഫ് എൻജിനീയർ ഇവിടെകൊണ്ടുവന്നിട്ടുള്ള ഡിമാൻഡ് ആവശ്യമെന്നു തോന്നുകയാൽ ഞാൻ അതിനെ അനുകൂലിച്ചു കൊള്ളുന്നു.

Mr. G. B. E. Truscott: I do not think there is any fear that the funds will lapse. As a matter of fact, one building has been roofed, two buildings are about to be roofed; and the basement has been finished in the case of the fourth building. I have no hesitation in saying that the whole work will be completed this year.

President; The motion before the House is that Government be granted a sum of Rs. 10,000 for work in connection with the provision of additional accommodation in the General Hospital Trivandrum.

The motion was put to vote and carried.

The grant was made.

EDUCATION.

Mr. G. V. Chandrasekharan: Sir, I rise to move for a supplementary grant of Rs. 45,000 for payment of compensation to private schools on account of fee concession granted by them to backward and depressed class pupils. I believe the House is aware that an elaborate fee concession scheme was introduced by Government more than 12 years ago. Under that scheme private schools also grant half and full fee concessions to pupils of the backward, depressed and forward communities; and in return Government have undertaken to reimburse the private managements to the extent of 75 per cent. of their loss on this account. A very large amount is spent by Government every year by way of fee concession grants to private schools. This year, we want an additional sum of Rs. 45,000 to clear all past liabilities under this head. The provision of Rs. 1,10,000 in this current year's Budget is found insufficient especially since the arrears of 1110 and 1111 have got to be cleared. During the years 1110 and 1111 the allotment was reduced to Rs. 90,000 on account of financial stringency and hence arrears accumulated. It is considered desirable that these arrears

[Mr. C. V. Chandrasekharan.]

should be paid off this year since a general revision of the fee concession scheme is in contemplation and may be introduced next year. It is hoped that under the new fee concession scheme the financial commitments of Government would be reduced to some extent. For instance, under the new scheme, it is proposed to compensate private schools only to the extent of 60 per cent. of their loss under this head and not 75 per cent. as at present. Government consider it necessary and desirable to extinguish this liability before the new scheme is introduced next school year. I request the House to allow this demand.

Mr. M. Govindan (*Nominated*) : From the speech of the Director it would appear that the demand is made on account of fee concessions not only to backward and depressed class pupils but also to pupils of the forward communities. But, from the demand sheet we see that it refers only to the backward and depressed class pupils. I do not understand how that discrepancy crept in. If it is not a discrepancy, I would like to know from the Director whether there is a separate fund for the depressed and backward class pupils alone?

Mr. M. N. Paramesvaran Pillai : May I know whether the Government still retain the word "depressed class"?

President : Formal orders have not yet been passed.

Mr. M. Govindan : The words "backward and depressed class" are printed in the demand sheet, my friend can read it. Government have retained those words so far as this demand is concerned. I am not now concerned with the words so much as with the fact whether this demand is made for the pupils of all communities, under the present fee concession scheme, or only for the pupils of the backward and depressed classes. There can be only one figure. If there is a separate fund for the forward communities that information must be given to this House.

Mr. C. V. Chandrasekharan : There is no separation of the fund. There are arrears under the present scheme. Really, the scheme includes forward communities also. But the bulk of the fee concession allotment is spent for the backward and depressed class communities.

Mr. M. Govindan : That is an admission that the demand is inaccurately worded. If it really includes the pupils of the forward communities also, why should it be stated in the demand sheet that the whole amount is intended for the depressed and backward class pupils alone? That will lead to complaints.

Mr. C. V. Chandrasekharan : These are arrears under the existing scheme. That scheme is in respect of fee concession to backward, depressed and forward communities.

President : The honourable member is objecting to the description given in the demand sheet.

Mr. C. V. Chandrasekharan : I think it is only a very minor terminoloicgal inexactitude. I do not think it is a serious matter. There is no need to exggerate its importance.

The demand was put to vote and carried.

The grant was made.

EXCISE.

Mr. C. O. Madhavan : I beg to move for a grant not exceeding Rs. 185 for a Chowkey at the new railway station at Edava. A railway station has been opened at Edava from 1st December last, and a staff for a chowkey there has become a necessity.

The staff is to consist of one Petty officer on Rs. 18 per mensem, one fourth grade Peon on Rs. 10 per mensem and one fifth grade Peon on Rs. 9 per mensem. The total monthly expenditure comes to Rs. 37. And the expenditure for the remaining five months of the year comes to Rs. 185. I move that the House do grant this demand.

Mr. M. N. Paramesvaran Pillai : Sir, I oppose this demand. I do so not with the idea of depriving the Excise Commissioner of the paltry sum of Rs. 185 but with a view to bring to the notice of this House the short-sightedness underlying the policy pursued by the department in multiplying chowkey in the State. No doubt every country should have the requisite number of chowkeys and customs houses to safe-guard its customs revenue, but to fill the country with too many chowkeys is not only shocking to the self respect of the citizens but is also a source of great nuisance and annoyance to them.

Mr. E. P. Varghese (*Nominated*) : Is it not necessary to have chowkeys in railway stations ?

Mr. M. N. Paramesvaran Pillai : I am dealing with that question. Sir, I can understand the necessity for opening chowkeys at the gate-ways of the country to prevent the smuggling of dutiable articles either from or into the State, but there can be no propriety or justification in opening a net work of chowkeys from one end of the country to the other. If we look into the Excise map of the country we will be bewildered to find the existence of several chowkeys even in unnecessary places, where the people are put to the unpleasant ordeal of a minute search or examination by the Excise authorities. I do not understand why there should be a chowkey in every railway station. So far as our railways are concerned there need be only one chowkey at or near Shencotta. All other railway or inland chowkeys can be abolished without affecting the customs revenues. As it is a person who

[Mr. M. N. Paramesvaran Pillai.]

travels from Shencotta to Trivandrum is subjected to a thorough examination by the Excise subordinates at every railway station where he alights. Is there any justification for molesting travellers like that when they are travelling inside the State boundaries ? The abolition of these inland chowkeys will bring a big saving to Government. It is high time for the Excise Commissioner to take up this question seriously, to study the whole problem and abolish these inland chowkeys. With these words, I oppose this demand.

Mr. J. John Kattakayam: സർ, ഞാൻ ഈ ഡിമാൻഡിനെ എതിക്കുന്നു. പുത്തനായി തുറന്ന ഒരു റെയിൽവേസ്റ്റേഷനിൽ ഒരു ചവുക്ക ഏർപ്പെടുത്തേണ്ടതിലേക്കാണ് ഈ ധനാഭ്യർത്ഥന ഇവിടെ കൊണ്ടുവന്നിട്ടുള്ളതു്. ചവുക്കകളെ വർദ്ധിപ്പിക്കരുതെന്നു കുറെക്കാലമായി പരാതി പറഞ്ഞുകൊണ്ടിരിക്കയാണു്. എവിടെ പള്ളിയുണ്ടോ അവിടെ പാജപ്പുകയിലയും ഉണ്ടായിരിക്കുമെന്നു് കഴിഞ്ഞ അസംബ്ളി നടപടികൾകൊണ്ടു ഊഹിക്കുവാൻ ന്യായമുണ്ടു്. ചവുക്കയിലെ കീഴുദ്യോഗസ്ഥന്മാർ ജനങ്ങളോടു ആരംഭകാലത്തു നക്കാപ്പിച്ച വാങ്ങിത്തുടങ്ങി. അതു ക്രമേണ വർദ്ധിച്ചു ഉയർന്ന ഉദ്യോഗസ്ഥലോകത്തിലേക്കും വ്യാപിച്ചു് ഒടുവിൽ തടുക്കാൻവഹിയാതായി. ആദായം കിട്ടുമെന്നു കണ്ടാൽ അതിൽ അഭിരുചിയും അത്യാസക്തിയും ജനിക്കുക മനുഷ്യസാധാരണമാണ്. ഉത്തരതിരുവിതാംകൂറിൽ ഈയിടെ ഉണ്ടായ ബഹളങ്ങൾക്കെല്ലാം കാരണം ഇതാണ്. ഇങ്ങനെയുള്ള അക്രമങ്ങൾ ക്രമാതീതമായി വർദ്ധിച്ചുതന്നെവരുന്നു. ഇനി കാലാന്തരത്തിൽ ഇതു കുറെക്കൂടി വർദ്ധിച്ചുവരികയുംചെയ്യും. തീരുവയിനത്തിൽ ഗവമെൻറിനു ഒരു ഭീമമായ സംഖ്യ നഷ്ടം വരുന്നുണ്ടെന്നു ഒരു നല്ല സാമർത്ഥ്യമുള്ള ഉദ്യോഗസ്ഥനെവച്ചു് അന്വേഷണം നടത്തിയാൽ കണ്ടുപിടിക്കുവാൻ സാധിക്കും. എത്ര ഭീമമായ അഴിമതികളാണ് ഉത്തരതിരുവിതാംകൂറിൽ നടക്കുന്നതെന്നു കണ്ണാടിയിൽ എന്നപോലെ ഞങ്ങൾക്കു കാണുവാൻ കഴിഞ്ഞിട്ടുണ്ടു്. ഈ സംഗതികളെപ്പററിയെല്ലാം അവിടത്തെ പൊതുജനങ്ങളും പൊതുജനപ്രതിനിധികളും ഡിപ്പാർട്ടുമെൻറുമേധാവികളെയും ഗവമെൻറിനേയും ധരിപ്പിച്ചിട്ടും ഗവമെൻറു വെറും മൂകമനോഭാവം അവലംബിച്ചിരുന്നതിൻെറ ഫലമാണ് കഴിഞ്ഞ അസംബ്ളിരംഗത്തിൽ കണ്ടതായ വേഷവിധാനങ്ങൾ. മേലിലും അങ്ങിനെയുള്ള അനിഷ്ടസംഭവങ്ങൾക്കിടയാകരുതെന്നുള്ള അഭിപ്രായത്തോടുകൂടി ഞാൻ ഈ ഡിമാൻറിനെ എതിർത്തുകൊള്ളുന്നു.

Mr. C. O. Madhavan: Sir, neither Mr. M. N. Paramesvaran Pillai nor Mr. Kattakayam objected to this demand on its merits. They have been pressing on the attention of the Government the policy underlying the demand. Mr. M. N. Paramesvaran Pillai, for instance, would like to have all the chowkey abolished, and build big customs houses in the frontier. That may be an ideal scheme. But there are difficulties in the practical working of such a scheme. For instance if a big chowkeyr is built on the Shencotta frontier and all the interior Chowkeys ae abolished then, all incoming and outgoing trains, including both goods and passenger trains will have to be detained at Shencotta for a sufficiently long time to admit of a thorough examination of all passengers, their luggage as as well as the goods. The goods loaded for and from Travancore will have to be unloaded for customs verifications.

Mr. M. N. Paramesvaran Pillai: May I know from the member whether all trains are not detained for one hour and more at Kannamangalam on the way to Pondicherry? And may I know whether the Government of Travancore could not negotiate with the S. I. R and the Government of India with regard to this matter?

Mr. C. O. Madhavan: Every goods train and every passenger train must be detained. There must be no protest from the travelling public as well as others using the train. The present arrangement no doubt sometimes causes slight inconvenience to the people travelling in train within the State itself. But there is provision for respectable passengers signing a declaration that they do not carry any contraband articles with them. They can thus save themselves from the trouble or inconvenience of being examined at every station. It is very seldom that we come across complaints in this respect.

Mr. M. N. Paramesvaran Pillai: Will it not be a substantial saving to Government if these railway chowkeys are abolished?

Mr. C. O. Madhavan: It will be a saving; but there is the question of the trains being detained for long at the frontier stations resulting in hardship and inconvenience to the public.

Mr. S. Piraviperumal Pillai: May I know from the member whether he has addressed the Government on the matter and placed his suggestions before them?

Mr. C. O. Madhavan: This question has been considered by the Government on several occasions. So far as the Trivandrum-Tinnevelly line is concerned a big chowkey at Shencotta may suffice. But for the Shorannur-Ernakulam line, there we

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require two chowkeys, one at Arukutty and the other at Edapalli. This is an important matter, and has to be handled not only by our Government, but by other Governments also. But, the present is only for a small sum for the establishment of a chowkey at the Edava railway station. I hope the House will grant it.

The Demand was put to vote and carried.

The grant was made.

POLICE.

Mr. R. Pitchu Aiyangar:

I rise to move for a grant not exceeding Rs. 405 for the payment of over-time allowance to Constables and Head Constables in connection with the special work turned out by them this year. By special work, I mean the good work of public appreciation and public value involving over stain, over-exertion and over-time on the occasion of the several celebrations and rejoicings connected with His Highness The Maharaja's birthday, the visit of His Excellency the Governor of Madras, the situations created by the Temple Entry Proclamation and the visit of Mr. Gandhi and various meetings held and processions conducted on these occasions. The budget provision made already is found inadequate to meet the present demand. These special cases call for special considerations by way of special rewards, and hence this motion for the supplementary grant.

Mr. G. Narayana Aiyar: Sir, I rise to support the demand. In doing so I may also observe that the Police at times go out of their way and commit excesses which must be seriously taken into consideration. Very recently, the excesses committed by the Reserve Police at Kunnatnad and Muvattupuzha Taluks demand serious notice. Many innocent people were the victims of such excesses and they had to suffer much. Sir, there is no doubt of the fact that there is smuggling going on in some of these places. To prevent smuggling, the smugglers ought to be caught red-handed; there is no justification in molesting innocent people. It is more than a month since the incident took place; and the people are anxiously waiting to see what action the Government are going to take in the matter. As a result of these Police excesses, people have actually migrated from those places, temporarily. The incident has caused much unrest in those localities. I submit that a committee may be appointed as early as possible to make a thorough investigation into the matter so as to enable the people to live in peace with perfect confidence on the good intentions of Government. With these words I support the demand.

Mr. J. John Kattakayam: സർ, ഞാൻ ഈ ഡിമാൻഡിനെ അനുകൂലിക്കുന്നു. അക്രമികളായ പലയാളുകളും ഈ ഡിപ്പാർട്ടുമെന്റിലുണ്ടു്. അവരിൽ ചിലരെയൊക്കെ ബഹിഷ്ക്കരിക്കുകയും ചിലരെ മാതൃകായോഗ്യമായി ശിക്ഷിക്കുകയും ചിലരുടെ മേൽ നടപടി നടത്തുകയും ചെയ്തു. ഇതിനകത്തുള്ള മാലിന്യങ്ങളെ കളയുവാൻ ഡിപ്പാർട്ടുമെന്റു മേധാവി ബദ്ധശ്രദ്ധനായിരിക്കുകയും, ജാതിനാമാദികളെ ചിന്തിക്കാതെ പ്രവർത്തിക്കയും ചെയ്യുന്നുണ്ടെന്നുള്ളതു് ഇതിനിടെ വിശദമാണു്. ഇന്നത്തെ ധനാഭ്യർത്ഥനയെ സംബന്ധിച്ചു് എനിക്കു ഒരു സംശയമേയുള്ളു. തിരുവിതാംകൂർ നാൾക്കുനാൾ ശ്രേയസ്കരമായിട്ടുവരികയാണു്. അതുകൊണ്ടു് ഇതിനെക്കാൾ വലുതും മഹനീയവുമായ പല സുവർണ്ണാവസരങ്ങൾ അടിക്കടി ഉണ്ടായിക്കൊണ്ടിരിക്കുമെന്നു അനുമാനിക്കുന്നതിനു തെറ്റില്ല. അപ്പോഴെല്ലാം പ്രത്യേകം പ്രത്യേകം ഡിമാൻഡു കൊണ്ടുവരികയെന്നുവച്ചാൽ ഈ സഭ എന്തുചെയ്യും? അതിനാൽ നിവൃത്തിയുള്ളിടത്തോളം ഇങ്ങനെയുള്ള ധനാഭ്യർത്ഥനകൾ കൊണ്ടുവരാതിരിക്കണം. മേലാലെങ്കിലും ഇക്കാര്യത്തിൽ ഡിപ്പാർട്ടുമെന്റു മേധാവി ഗൌനിച്ചു പ്രവർത്തിക്കുമെന്നു വിശ്വസിക്കുന്നു.

മഹാത്മജി വന്നയവസരത്തിൽ ഇവിടത്തെ പോലീസ് ലണ്ഡൻ പോലീസിനോടു തുല്യമായിരിക്കുന്നു എന്നു പ്രശംസാപരമായി പറഞ്ഞതു് ഡിപ്പാർട്ടുമെന്റിനും ഗവൺമെന്റിനും അഭിമാനകരംതന്നെ. എന്നിരുന്നാലും എന്റെ മാന്യസ്നേഹിതൻ മി. ജി. നാരായണയ്യൻ പറഞ്ഞതുപോലെ ഉൾനാടുകളിൽ അവർ ഭയങ്കരമായ പ്രവൃത്തികൾ ചെയ്തുവരുന്നു എന്നുള്ളതു് വിസ്മരിക്കത്തക്കതല്ല. ഉൾനാടുകളിലുള്ള ജനസാമാന്യത്തിനോടും ലണ്ഡൻപോലീസ് എന്നവിധം നമ്മുടെ പോലീസിനെ സാദൃശ്യപ്പെടുത്തത്തക്കവണ്ണം ഈ ഡിപ്പാർട്ടുമെന്റു മേധാവി ഇവരെ നിയന്ത്രിച്ചുകൊണ്ടിരിക്കണമെന്നു അദ്ദേഹത്തെ ഞാൻ ഓർമ്മിപ്പിച്ചുകൊള്ളുന്നു. അക്രമികളെ മാതൃകായോഗ്യമായി ശിക്ഷിക്കുന്നതിൽ അദ്ദേഹം ബദ്ധശ്രദ്ധനായിരിക്കണമെന്നു പറഞ്ഞുകൊണ്ടു എന്റെ വാക്കുകളെ ഇവിടെ അവസാനിപ്പിച്ചുകൊള്ളുന്നു.

GENERAL ADMINISTRATION, EXCLUDING FINANCIAL SECRETARIAT, ACCOUNT.OFFICE AND LEGISLATIVE BODIES.

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: Sir, I beg to move for a grant not exceeding Rs. 2,620 under

[Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai]

General Administration. This amount is required for paying the staff engaged by the Special Officer appointed for the revision of the State Manual and also for meeting his contingent charges. Honourable members will see from the Budget that there is a provision of Rs. 7,00 in it for the revision of the State Manual. When that provision was made, Government thought that it would suffice for the honorarium to the Special Officer and for the pay of the staff to be appointed under him. Negotiations were carried on for the appointment of a Special Officer, and it was decided that his honorarium should be Rs. 7,000. An additional allotment is therefore required for payment to the staff and for the contingent expenses. The staff that has been appointed consists of a Manager on Rs. 75, 3 clerks on Rs. 25 each, a stenographer on Rs. 30, a typist on Rs. 20 and 5 peons on Rs. 9 each. An Assistant Registrar of Co-operative Societies has also been placed on special duty to help the Special Officer, and permission has been granted to a few officers of the Education and other Departments to assist the Special Officer during holidays for which they are to be given honorarium, *viz.*, Rs. 100 to Mr. T. K. Joseph and Rs. 75 each to four other officers. A sum of Rs. 220 has been included in the demand for the contingencies of the Special Officer. All these items together amount to Rs. 2,620. I may say that the staff has been appointed for four months and provision has been made only for this period. I hope the House will allow the demand.

Mr. J. John Kattakayam: സർ, ഈ ഡിമാൻഡിനെപ്പററി എനിക്കു ചിലതു പറയുവാനുണ്ട്. സ്റ്റേറ്റ് മാനുവൽ എഴുതുന്നതിനു ആവശ്യമുള്ള സ്റ്റാഫിനെ നിയമിക്കണ്ടാ എന്ന അഭിപ്രായം എനിക്കില്ല എന്നാദ്യമേ പറഞ്ഞുകൊള്ളട്ടെ. സെൻസസ് റിപ്പോർട്ടു പുറത്തുവന്ന അവസരത്തിൽ ഞാനും എന്റെ സമുദായാംഗങ്ങളും അധഃകൃതരെന്ന നിലയിലാണ് അറിയപ്പെട്ടതു്. പുലയർ, പറയർ മുതലായ അധഃകൃതർ മതപരിവർത്തനം ചെയ്തവരാണ് ഇവിടത്തെ ക്രിസ്ത്യാനികൾ എന്നു് സെൻസസ് റിപ്പോർട്ടിൽ കാണുന്നു. ഞാൻ ഒരധഃകൃതനല്ല, എന്റെ ചരിത്രം നോക്കിയാൽ അങ്ങിനെ കാണാനിടയില്ലെന്നുമാത്രമല്ല ഒരു ആഢ്യബ്രാഹ്മണനാണെന്നു സ്ഥാപിക്കുവാനും സാധിക്കും. എന്നാൽ അന്നു അങ്ങിനെ ഒരു തെററു വരാൻകാരണം ഒരാൾ മാത്രം ഈ റിപ്പോർട്ടു എഴുതിയതുകൊണ്ടാണ്. ഇപ്പോൾ സ്റ്റേററുമാനുവൽ എഴുതുവാനും ഒരു വലിയ സംഖ്യ പ്രതിഫലം കൊടുത്തു് ഒരാളിനെമാത്രം വച്ചിരിക്കുന്നു. ആ സ്ഥിതിക്ക് സെൻസസ് റിപ്പോർട്ടിൽ വന്നിട്ടുള്ള അബദ്ധംപോ

ലെ ഇതിലും അബദ്ധം വന്നേക്കാം എന്നനുമാനിക്കുന്നതിൽ തെറ്റൊന്നുമില്ല. സെൻസസ് കമ്മിഷണർ നല്ല പഴക്കവും തഴക്കവും സമ്പാദിച്ചിട്ടുള്ള ഒരാളും സജ്ജനസമ്മതനുമാണ്. എന്നിട്ടും തെറ്റു പററി. അറിഞ്ഞും അറിയാതെയും പ്രമാദങ്ങൾ വരാം. സ്റ്റേററുമാനുവൽ നിരാക്ഷേപമായിരിക്കത്തക്കവിധത്തിൽ എഴുതിത്തീർക്കേണ്ട ഒന്നാണ്. അങ്ങിനെ ഒരു ഗ്രന്ഥം രചിക്കുന്നതിനു വിദഗ്ദ്ധന്മാരടങ്ങിയ ഒരു കമ്മററിയെത്തന്നെ ഏർപ്പെടുത്തണം. മനുഷ്യർക്കു പ്രമാദങ്ങൾ വരികയെന്നുള്ളതു സാധാരണയാണ്. ഗവൺമെൻറുതന്നെ പല സംഗതികളിലും തെററുകൾ തിരുത്തിയിട്ടുണ്ട്. അതിനാൽ സ്റ്റേററുമാനുവൽപോലെയുള്ള ഒരു പ്രസിദ്ധീകരണത്തിൽ ഭീമമായ പ്രമാദങ്ങൾ വന്നുപോകാതിരിക്കത്തവിധത്തിൽ ഗവൺമെൻറു ദൃഷ്ടിപതിപ്പിക്കണമെന്നുള്ള എൻെറ അഭിപ്രായത്തെ പ്രകാശിപ്പിച്ചുകൊണ്ടു വിരമിച്ചുകൊള്ളുന്നു.

The damand was put to vote and carried.

The grant was made.

AYURVEDA.

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: Sir, I beg to move for a grant not exceeding Rs. 3,200 for the payment of arrears of rent for the Ayurveda College and Pharmacy from Mithunam 1109 to Mithunam 1111. For the above period the rent has not been paid because, though provision was made for the purpose in the Budgets of those years, the proprietor of the building was a minor and there was nobody to claim the rent. Consequently the provisions made in the Budgets lapsed. Now the proprietor has become a major and he has put in an application for the arrears of rent. The provision contained in the Budget for the current year will only suffice for the payment of rent for this year. Additional amount is therefore required to pay off arrears from Mithunam 1109 to Mithunam 1111.

The demand was put to vote and carried

The grant was made.

PUBLIC HEALTH AND SANITATION.

Mr. James Simpson: Sir, I beg to move for a grant not exceeding Rs. 6,500 for the continuance of the temporary hospitals and dispensaries opened in connection with the outbreak of malaria epidemic in the Neyyattinkara and Nedumangad taluks. As the House is well aware Government had to put up temporary hospitals and dispensaries in the malarial regions. The work has been carried

[Mr. James Simpson.]

on till the end of Vrischikam. It has now been decided to continue the work for six months more. For that purpose we require Rs. 6,500.

Mr. N. K. Padmanabha Pillai (*Neyyattinkara cum Nedumangad*) : സർ, ഞാൻ ഈ ധനാഭ്യർത്ഥനയെ അനുകൂലിച്ച് രണ്ടു വാക്കു പറയണമെന്നു വിചാരിക്കുന്നു. നെയ്യാററിൻകര, നെടുമങ്ങാടു ഈ താലൂക്കുകളിൽ ഇപ്പോഴും മലമ്പനി വർദ്ധിച്ചുകൊണ്ടുതന്നെയിരിക്കുന്നു. ഇപ്പോൾ അവിടെയുള്ള ആശുപത്രി ഏതാനുംകാലത്തേക്കു മാത്രമേ അനുവദിച്ചിട്ടുള്ളൂ. വെള്ളറടയിൽ പനിയുള്ള ആറുമാസകാലത്തേക്കായി തുറന്നിരുന്ന ഡിസ്‌പെൻസറി ഇപ്പോൾ കാരക്കോണത്തുള്ള സാൽവേഷൻആർമിക്ക് ഗ്രാൻഡ് കൊടുത്തു നടത്തിക്കയാണ് ചെയ്തുവരുന്നത്. അതു ശരിയല്ല. മലമ്പനി അവിടെ ഒരു ഒഴിയാബാധയായിത്തീർന്നിരിക്കുന്നതിനാൽ കുന്നത്തുകാൽ, ചെമ്പൂര് കള്ളിക്കാട്ട്, ആര്യനാട്ട് മുതലായ സ്ഥലങ്ങളിൽ ആശുപത്രികൾ സ്ഥിരമായിട്ടുതന്നെ സ്ഥാപിച്ചുകിട്ടണമെന്നു ഞാൻ അഭ്യർത്ഥിച്ചുകൊള്ളുന്നു.

Mr. J. John Kattakayam : സർ, ഞാൻ ഈ ഡിമാൻഡിനെ പ്രതികൂലിക്കുന്നു. പബ്ളിക് ഹെൽത്ത് ഡിപ്പാർട്ടുമെൻറിൽനിന്നും ഒരു കൂട്ടരെ ഈയിടെ തൊടുപുഴതാലൂക്കിൽ വാക്സ്‌നേഷൻ ചെയ്യാനായിട്ട് അയച്ചു. അവർ ചിലക്കു കുത്തിവച്ചത് വലിയ മസൂരിയായിട്ടു രൂപാന്തരപ്പെട്ടു. തദ്ദേശീയർ ഇതുനിമിത്തം അമ്പരന്നുപോയി. ഇതിനെപ്പററി ചിന്തിച്ചുകൊണ്ടിരിക്കുകയാണ്. ഞാൻ ഈ വിവരം അവിടത്തെ തഹശീൽദാരെ അറിയിച്ചിട്ടുണ്ട്. അവിടത്തെ തഹശീൽദാർ ജനക്ഷേമകാംക്ഷിയും കൃത്യബോധമുള്ളവനും വളരെ യോഗ്യനുമാണ്. സംശയമുള്ളപക്ഷം ഒരു റിപ്പോർട്ടു വരുത്തിനോക്കി സൂക്ഷ്മാവസ്ഥമനസ്സിലാക്കാം. ചുരുക്കത്തിൽ മസൂരിയില്ലാത്ത സ്ഥലത്ത് പബ്ലിക് ഹെൽത്ത് ഡിപ്പാർട്ടുമെൻറുകാർ മസൂരിയുണ്ടാക്കി.

തൊടുപുഴ താലൂക്ക് മലമ്പനിയുടെ കേന്ദ്രമാണ്. അവിടത്തെ നിവാസികളിൽ ൯൦ ശതമാനവും മലമ്പനി പിടിപെട്ടവരാണ്. മലമ്പനി പിടിപെട്ടുകഴിഞ്ഞാൽ പിന്നീടു പ്ലീഹ അല്ലെങ്കിൽ പനിക്കുണ്ട പിടിപെടും. അവിടെയുള്ളതിൽ ൯൫ ശതമാനം ജനങ്ങളും പനിക്കുണ്ട ബാധിച്ചവരാണ്. ഇതു എൻെറ ചോദ്യത്തിനു ഗവണ്മെൻറിൽനിന്നും നൽകിയ മറുപടിയിൽതന്നെ വ്യക്തമായി പറഞ്ഞിട്ടു

ണ്ട്. കുറെക്കാലമായി അവിടെ കന്നായിനാ കൊടുത്തുകൊണ്ടിരുന്നു. ഗവണ്മെൻറ് ഉത്തരതിരുവിതാംകൂറിനെക്കാൾ കൂടുതൽ ശ്രദ്ധ പതിപ്പിക്കുന്നത് ദക്ഷിണതിരുവിതാംകൂറിലാണ്.

Mr. C. V. Chandrasekharan: On a point of order, Sir, this demand relates to the Neyyattinkara and Nedumangad taluks only.

President: He is doubting the efficacy of the methods adopted by the department.

Mr. J. John Kattakayam: ബഹുമാനപ്പെട്ട മെമ്പർ ഇതൊക്കെ പറയാതെ തന്നെ ഈ ഡിമാൻഡു നെയ്യാററിൻകര, നെടുമങ്ങാട്ട് ഈ താലൂക്കുകളെ സംബന്ധിക്കുന്ന സംഗതിയാണെന്നു എനിക്കറിയാം. എൻെറ താലൂക്കിലെ വിഷമതകളെക്കൂടി ഗവണ്മെൻറിൻെറ ദൃഷ്ടിയിൽ കൊണ്ടു വരുവാൻ ഞാൻ ശ്രമിക്കുകയാണ്. ഗവണ്മെൻറിൻെറ ശ്രദ്ധ എപ്പോഴും പതിയുന്നതു ദക്ഷിണ തിരുവിതാംകൂറിലാണു. ഏതുദ്യോഗസ്ഥന്മാർ വടക്കോട്ടു വന്നാലും തൊടുപുഴ വരികയില്ല. രാജ്യത്തിലെ ഭരണകേന്ദ്രം വഹിക്കുന്ന മേധാവികൾപോലും അവിടെ അടുത്ത കാലത്തെങ്ങും വന്നിട്ടില്ല. ദിവാൻജി അവർകളുടെ സാന്നിദ്ധ്യം ഞങ്ങൾ അപേക്ഷിച്ചാൽപോലും കിട്ടുകയില്ല.

President: It is not likely that the maladies in that locality will be solved by the method no v proposed. It is somewhat irrelevant.

Mr. J. John Kattakayam: തൊടുപുഴ താലൂക്കിൽ ഒരു ആശുപത്രിപോലും ഇല്ല. തൊടുപുഴ താലൂക്കിനു കാർത്തികപ്പള്ളി താലൂക്കിൻെറ ഏഴിരട്ടി വ്യാസമുണ്ട്. അത്ര തന്നെ വലിപ്പമില്ലാത്ത സമീപ താലൂക്കുകളിൽ നാലും അഞ്ചും ഡിസ്പെൻസറികളുണ്ട്. ഇതിനാപുറമെ നിരവധി വൈദ്യശാലകളും ഉണ്ട്. തൊടുപുഴ താലൂക്കിൽ വലിയ വഴക്കു പറഞ്ഞതിനുശേഷമാണ് ഒരു ഗ്രാൻറു വൈദ്യശാല ഏർപ്പെടുത്തിതന്നതു്. തൊടുപുഴ ഞാൻ താമസിക്കുന്ന സ്ഥലത്തുനിന്നും അടുത്തുള്ള ആശുപത്രിക്കു പോകണമെങ്കിൽ ൨൦ മൈൽ നടക്കണം. അതിനുതക്ക ഗതാഗതസൌകര്യമില്ല. അവിടെ ജനസംഖ്യ ക്രമാതീതമായി വർദ്ധിച്ചുവരുന്നു. നെയ്യാററിൻകര, നെടുമങ്ങാടു ഈ താലൂക്കുകളിൽ ആരോഗ്യപരമായി പ്രവർത്തിക്കുന്നതിന് ഗവണ്മെൻറിൻെറ ദൃഷ്ടി ഏതു തരത്തിൽ പതിയുന്നുവോ അതുപോലെ മലമ്പനി കേന്ദ്രമായിരിക്കുന്ന ഞങ്ങളുടെ താലൂക്കിലും പതിയണമെന്നു് അഭ്യർത്ഥിക്കുന്നു. അനേകം പ്രാവശ്യം ഈ സംഗതി ഞാൻ തന്നെ ഇവിടെ പറഞ്ഞിട്ടുണ്ട്. ഇതുവരെ യാതൊരു പ്രയോജനവും ഉണ്ടായിട്ടില്ല.

Mr. James Simpson: I do not wish to say anything further on this demand.

The demand was put to vote and carried.

The grant was made.

CURRENCY AND MINT.

President: The Financial Secretary may deal with the demand under Currency and Mint as well as the demand under Debt Heads together.

Rao Bahadur A. Rengasvami Aiyar: I beg to move for a grant of Rs. 1,700 under Currency and Mint and of Rs. 2,05,000 under Debt Head Advances for the minting of silver and copper coins.

The Silver coins now in circulation were minted in 1106 and no coins have been minted after that year. Government propose to mint additional silver coins costing Rs. 2,05,000.

Mr. M N. Paramesvaran Pillai: May I know when the Government entertained the idea of minting silver and copper coins?

Rao Bahadur A. Rengasvami Aiyar: In November last year.

Mr. M. N. Paramesvaran Pillai: May I know whether the price of silver and copper has gone up now?

Rao Bahadur A. Rengasvami Aiyar: The price is rising. We considered the question in November. On account of the European situation and the duty on silver the price of silver and copper is rising.

Mr. M. N. Paramesvaran Pillai: May I know whether Government have already entered into a contract in respect of this?

Rao Bahadur A. Rengasvami Aiyar: We have already placed orders. The silver coins are proposed to be minted for us by the Birmingham Mint in accordance with previous practice. The copper coins will be minted here. We will get the Blanks from Birmingham.

Mr. K. P. Nilakanta Pillai (*Chirayinkil* cum *Nedumangad*): May I know whether local experts were consulted in regard to these coins? (*Laughter.*)

Rao Bahadur A. Rengasvami Aiyar: No.

Mr. K. P. Nilakanta Pillai: What exactly is the amount of false coins current now?

Rao Bahadur A. Rengasvami Aiyar: Government are aware that there is a large number of counterfeit coins in circulation. That is one of the reasons for minting additional coins. The fact that a large amount of counterfeit coins is in circulation shows that there is a demand for more coins. (*Laughter.*)

Mr. P. Padmanabhan Tampi (*Kalkulam cum Vilavankod*): May I know whether all the coins are false coins?

Rao Bahadur A. Rengasvami Aiyar: Not all the coins.

Mr. M. N. Paramesvaran Pillai: May I know whether Government are going to mint one rupee coins also?

Rao Bahadur A. Rengasvami Aiyar: No. Government propose to mint only half rupee and quarter rupee coins and one fanam pieces.

Mr. Komilezhathu Sankaran (*Nominated*): May I know whether Government have any idea of the total value of coins in circulation in Travancore?

Rao Bahadur A. Rengasvami Aiyar: The silver coins in circulation amount to Rs. 9 lakhs and the copper coins amount to Rs. 14 lakhs, according to our calculation.

Mr. Komilezhathu Sankaran: May I know the basis on which Government have fixed up the data on the total value of coins proposed to be minted now?

Rao Bahadur A. Rengasvami Aiyar: Copper coins have not been minted for the last 16 years, and silver for the last 6 years. Government have fixed on a rough calculation what the market is likely to absorb.

Mr. Komilezhathu Sankaran: May I know whether the proposed minting will satisfy the demand in the State?

Rao Bahadur A. Rengasvami Aiyar: It is hoped so. If the demand is not satisfied we will mint additional coins We cannot all at once dump more than Rs. 2 lakhs worth of coins.

Mr. M. N. Paramesvaran Pillai: Is there any demand for silver coins?

Rao Bahadur A. Rengasvami Aiyar: The supply is not excessive so far as I know.

Mr. M. N. Paramesvaran Pillai: May I know, the profit to Government?

Rao Bahadur A. Rengasami Aiyar: Government will make a profit of Rs. 1·7 lakhs.

Mr. S. Piraviperumal Pillai: Does the member think that Government will make this profit while there are other private agencies supplying coins?

Rao Bahadur A. Rengasvami Aiyar: When these new coins are put into circulation, they will displace the counterfeit coins.

Mr. M. N. Paramesvaran Pillai: May I know whether there is any objection to introduce paper currency?

Rao Bahadur A. Rengasvami Aiyar: That does not arise out of this. That has to be considered as a separate issue. Hitherto the State has not been issuing paper currency. We have to examine whether there is any legal or constitutional objection. That involves administrative and political issues.

The demand under Debt Head is only in the nature of an advance which will be recouped when the manufactured coins are issued to the public. Thus, no additional expenditure is involved.

In regard to the other demand, silver coins will be manufactured completely in England. But only blanks will be imported and the minting of copper coins will be done in Trivandrum.

Mr. M. N. Paramesvaran Pillai: May I know whether there is any idea of changing the design of the coins?

Rao Bahadur A. Rengasvami Aiyar: Yes. We have substituted the words 'BALA RAMA VARMA' for the words 'RAMA VARMA' to indicate the accession of His Highness the present Maharaja. There will be no other alteration.

Mr. P. Padmanabhan Tampi: May I know whether there is any objection to have His Highness' effigy on it?

Rao Bahadur A. Rengasvami Aiyar: We considered that question. It is not possible to have the conch as well as the effigy. On the one side we must have the Malayalam and the English scripts describing the value of the coin and on the other side we must have the conch.

Mr. P. Padmanabhan Tampi: With a view to discourage counterfeiting, may I know whether Government are willing to increase the weight of the coins, so that counterfeiting will become less profitable?

Rao Bahadur A. Rengasvami Aiyar: No, it is not proposed to increase the weight. An amendment of the Regulation will be necessary for that purpose. We have instructed the manufacturers to see that the milling, etc., are very well done so as to make counterfeiting almost impossible.

Mr. P. Padmanabhan Tampi: Will the new coins be smooth like the British Indian half rupee pieces or only rough like ours of to-day?

Rao Bahadur A. Rengasvami Aiyar: The coins will be more or less on the British Indian model.

Mr. P. Padmanabhan Tampi: Will the surface be smooth or rough?

Rao Bahadur A. Rengasvami Aiyar: It will be smooth like our present half rupee coins and the British Indian coins. We have given instructions to the Birmingham Mint to take some trouble with regard to the milling and the get up and to introduce minor changes so that counterfeiting may be made more difficult.

Mr. Komilezhathu Sankaran: May I know whether there is any objection in minting gold coins?

President: That has been given up all over the world. Are we to make a beginning now? (*Laughter.*)

Rao Bahadur A. Rengasvami Aiyar: When the gold sells so high it is not opportune to mint gold coins.

For the manufacture of copper coins we require Rs. 1,700 for the following staff:

1 Clerk Cashier,
1 Coin Examiner and weigher,
1 Nottam,
1 Foreman-Mechanic,
3 Coiners,
12 Assistant Coiners,
1 Peon,
2 Servants and 1 bellow boy.

I request that the House may be pleased to sanction the demand.

Mr. P. Padmanabhan Tampi: Sir, I beg to oppose this demand in order to bring forward some suggestions about the minting of coins. It is high time that we mend it or end it. We have been exercising the right of minting coins for centuries, so that it is not proper to end it. My object is to point out that the Travancore coins should be manufactured in an up-to-date fashion.

Sir, we have been repeatedly pointing out the counterfeiting trouble in Travancore. The Travancore C. I. D. are not able to find out the counterfeiters. Some time ago, Mr. Gnanamuthu Nadar of the C. I. D, an able and experienced police officer, was deputed to find out counterfeiting cases. He charged sixteen or nineteen cases and submitted a report to Government. We are told that in the report certain big men are involved. It is even said that even certain police officers are also partners in the business. It is highly regrettable that Government have not taken any action on the report. That report is in the waste paper basket now. Every other coin in the market is false. We find in the market fresh coins as though they have been minted only yesterday. The Financial Secretary says that these were minted six or seven years ago. But the coins look as if they were minted only yesterday.

Counterfeiting is possible because the surface of our coins is rough. If they are smooth like the British Indian coins, there will be less of counterfeiting. Another suggestion I wish to make is

[Mr. P. Padmanabhan Tampi]

that we should stop the fanam. We use in our accounting only rupees, chackrams and cash. Further, the one fanam piece can be easily counterfeited.

Counterfeiting has become a cottage industry with our goldsmiths, on account of the scarcity of gold. Towards the evening the goldsmith takes a half-rupee or quarter-rupee worth of silver for counterfeiting coins. He can get a profit of five or six fanams for a day's work.

We have had formerly two chackrams and one chackram silver pieces. They have been stopped.

I cannot understand why the Travancore rupee should be maintained as an imaginary currency. I beg to submit that the Travancore rupee should be introduced as early as possible, and it should have the effigy of His Highness.

There is also another suggestion, Sir. There is free access into Travancore from British India. On account of easy communication, a large number of foreigners are coming into Travancore, and they find difficulty in calculating Travancore currency in relation with British coins.

Mr. M. N. Paramesvaran Pillai: Is the member aware that the Travancore four-chackram piece is not convertible in Cochin?

Mr. P. Padmanabhan Tampi: Yes, that is another inconvenience In local Post offices, Travancore coins are not easily accepted There is a circular in the Postal Department that beyond a certain quantity, Travancore coins need not be accepted. Sir, one anna should be caculated as equivalent to one chackram and 12½ cash. There is no half cash coin in Travancore. Consequently every purchaser who goes for exchange is a loser to the extent of half-a-cash for every anna. In Railway stations and offices of similar kind, we have to lose at that rate. In Post offices calculation is made in terms of rupees, annas, pies, and whenever we go there for purchase of stamps we have to give money equivalent to British coins. There must be equalisation of the different currencies obtaining in Travancore.

Another point I wish to suggest is that honest and upright Police officers should be deputed to investigate counterfeit cases and see that our coins are freely taken everywhere in the State It may be observed in this connection that rupees having the design of Queen Victoria are not easily accepted in the market. Whenever poor people take such coins for effecting purchases they are put to difficulties. Such a state of affairs should not be allowed to continue. There must be a clear understanding that all the taluk offices in the State should accept coins, provided they are not counterfeit, whether Travancore or British.

Mr. J. John Kattakayam: സർ, സാധാരണ സർക്കാർ രൂപായായിട്ടാണ് ഖജനാവിൽനിന്നും ശമ്പളമായും മററും കൊടുത്തു വരുന്നത്. എന്നാൽ ഈ സർക്കാർ രൂപാ എങ്ങിനെയിരിക്കുമെന്നു ഞങ്ങൾക്കു കാണ്മാൻ ഇതുവരെ ഭാഗ്യമുണ്ടായിട്ടില്ല. രജിസ്ത്രാർ കച്ചേരി പകുതിക്കച്ചേരി മുതലായ സ്ഥാപനങ്ങളിൽ സാധുജനങ്ങളിൽനിന്നും വാങ്ങിക്കുന്നതു ബ്രിട്ടീഷ് രൂപായായിട്ടും അവിടെനിന്നും കൊടുക്കുന്നതു സർക്കാർരൂപായായിട്ടുമാണ്. ഇതാണ് നാട്ടിൻപുറങ്ങളിലെ സ്ഥിതി. ഇങ്ങനെ ബ്രിട്ടീഷ്രൂപായായി വാങ്ങിക്കുന്നതുകൊണ്ട് അരചക്രം നഷ്ടമായിട്ടുതീരുന്നു. പൊന്നുതമ്പുരാൻ തിരുമനസ്സിലെപക്കൽനിന്നും അനവധി ഗുണഗണങ്ങൾ അനുഭവിച്ചുകൊണ്ടിരിക്കുന്ന ജനങ്ങൾ അവിടത്തെ നാമത്തിലുള്ള രൂപാ കാണ്മാൻ അതിയായി ആഗ്രഹിക്കുന്നു.

Mr. G. Narayana Aiyar: സർക്കാർ നാണയവും ബ്രിട്ടീഷ്നാണയവും തുല്യപ്പെടുത്തിയാൽ കൂടുതൽ സംഖ്യ കരം കൊടുക്കേണ്ടതായി വരുമെന്നു മെമ്പർക്കറിയാമോ?

Mr. J. John Kattakayam: നിസ്സാരമായ ഒരു സംഗതിക്കുവേണ്ടി വലുതായ ഒരു സംഗതി ബലികഴിക്കണമെന്നു പറയുന്ന എന്റെ സ്നേഹിതന്റെ അഭിപ്രായത്തോടു ഞാൻ യോജിക്കുന്നില്ല. പണ്ടത്തെ ചക്രം കണ്ണിൽ ഇട്ടുകൊണ്ടു പോകുവാൻ ആർക്കും കഴിയുമായിരുന്നു. അത്രതന്നെയുമല്ല മനോഹരവും ആയിരുന്നു. നമ്മുടെ രാജ്യം ശ്രീമാർത്താണ്ഡവർമ്മ മഹാരാജാവു തിരുമനസ്സുകൊണ്ടു ശ്രീപത്മനാഭനു സമർപ്പിച്ചു അവിടുത്തെ ദാസനായി അന്നുമുതൽ രാജർഷികൾ രാജ്യം ഭരിക്കുന്നു. ശ്രീപത്മനാഭന്റെ ആയുധമായ ചക്രം നാണയമാക്കിയതിൽ വളരെ ന്യായവും അർത്ഥവും അന്തർഭവിച്ചിട്ടുണ്ട്. പക്ഷെ അന്നത്തെ ചക്രം ചെമ്പുചക്രമല്ല. പുലയർ, പറയർ ആദിയായ ആളുകളും മററുള്ളവരും ജന്മിമാരായ നമ്പൂതിരിമാരുടെയും മററും അടുത്തു ചെന്നു ചെമ്പുചക്രം വേണം ചെമ്പു കാശു വേണം എന്നു പറഞ്ഞു വന്നതിന്റെ ഫലമായിട്ടോ എന്തോ വെള്ളിച്ചക്രം ചെമ്പുചക്രമായി രൂപാന്തരപ്പെട്ടു. പണ്ടത്തെക്കാലത്തു കള്ളനാണയം ഉണ്ടാക്കുക സാധാരണമല്ലായിരുന്നു. ഇപ്പോൾ എട്ടോ പത്തോ രൂപായുണ്ടെങ്കിൽ തിരുവിതാംകൂറിൽ ഏതു ഭാഗത്തും ഒരു കമ്മട്ടം ഉണ്ടാക്കാനും വേണ്ട സാമഗ്രികൾ ഉണ്ടാക്കാനും ഒരു വിഷമവുമില്ല.

Mr. P. Padmanabhan Tampi: അതു മലംപ്രദേശങ്ങളിലല്ലേ കൂടുതൽ?

Mr J. John Kattakayam: ഉദ്യോഗസ്ഥന്മാക്കു മലംപ്രദേശങ്ങളിൽ എത്താൻ പ്രയാസമുള്ളതുകൊണ്ടു അവിടെ ആരും പോകയില്ല. ഒടുവിൽ അതിൽ വലിയ വലിയ ആളുകളും കൂട്ടു ചേന്നു തുടങ്ങും. പട്ടണങ്ങളിൽ വലിയ ആളുകൾ തന്നെ കള്ളനാണയം ഉണ്ടാക്കുന്നതിൽ ഉൾപ്പെട്ടിട്ടുണ്ടു്. ഗവണ്മെൻറിൽനിന്നും ഇതിനെപ്പററി ഒരു അന്വേഷണം നടത്തി ഒരു മി. നാടാരുടെ റിപ്പോർട്ടു വരുത്തി സൂക്ഷിച്ചിരിക്കുന്നു. ഗവണ്മെൻറു അതു നോക്കുകയാണെങ്കിൽ അതിനകത്തു മലിനമായ വശങ്ങൾ കാണാൻ സാധിക്കും. കള്ളനാണയങ്ങൾ ചിലവാകുന്നതു വലിയയാളുകളുടെ ഇടയിലാണെങ്കിൽ തരക്കേടില്ല. എന്നാൽ സാധുക്കളുടെയിടയിലാകുമ്പോൾ അതുകൊണ്ടുള്ള വിഷമം സീമാതീതമാണു്. നാട്ടിൻപുറങ്ങളിലും മററും കൂലിവേല ചെയ്താൽ കിട്ടുന്നതു മൂന്നോ നാലോ അണയാണു്. അതു കൊടുത്തു വേണം അവക്കു ആഹാരസാധനങ്ങൾ സമ്പാദിക്കാൻ. കൂലി കൊടുക്കുന്നതു കള്ളനാണയമായിരുന്നാൽ കടയിൽ എടുക്കാതെ തിരിച്ചുകൊടുക്കും. സാധു കൂലിക്കാരനും അവൻെറ കുടുംബവും പട്ടിണിയുമായി. അതിനാൽ ഈ വകയിൽ ഗവണ്മെൻറിനു കിട്ടുന്ന ആദായം വേണ്ടെന്നു വെക്കണം. ഗവണ്മെൻറു ഇതിലെ ആദായം വേണ്ടെന്നു വെക്കാത്തിടത്തോളം കാലം ഇവിടെ കള്ളനാണയം ഉണ്ടാവുകതന്നെ ചെയ്യും. അരപ്പണം അല്ലെങ്കിൽ രണ്ടു ചക്രം എന്നൊരു നാണയം മുമ്പുണ്ടായിരുന്നു. അതിപ്പോൾ കാണുമാനില്ല. അതു വളരെ മനോഹരമായ ഒരു നാണയമായിരുന്നു. ഈ സംഗതികളെല്ലാം ഗവണ്മെൻറിൻെറയും ഈ സഭയുടേയും ദൃഷ്ടിയിൽ എത്തിച്ചു കൊണ്ടു എൻെറ വാക്കുകളെ ഇവിടെ അവസാനിപ്പിച്ചുകൊള്ളുന്നു.

The demand was put to vote and carried.

Tha grant was made.

SCIENTIFIC AND MISCELLANEOUS DEPARTMENTS.

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: Sir, I move for a grant not exceeding Rs. 2,2·0 for the preparation of a descriptive catalogue of the manuscripts in the Palace Granthapura and in the Curator's Office.

Some time ago, the Curator for the Publication of Oriental Manuscripts, Mr. Sambasiva Sastri ,visited various places in India, such as Baroda, Kashmir, Mysore, etc., to study the working of the Departments for the publication of Oriental Manuscripts of those States and to see what could be done to improve our own department here On his return, he submitted a very elaborate scheme for the reorganisation of this department. The Government approved, generally, his proposals, and made a provision of Rs. 2,000

in the preliminary budget for the current year. This provision was considered by the Finance Committee, and they thought that it would be advisable to have the scheme examined by the Committee appointed by Government in connection with the Oriental Conference to be held in December 1937. The provision of Rs. 2,000 was therefore deleted from the preliminary budget and the proposals of the Curator were sent to the above Committee. The Committee have now submitted revised proposals. Government have examined them and decided to appoint a number of hands for the preparation of a descriptive catalogue of the manuscripts in the Palace Granthapura and the Curator's Office.

The ninth session of the Oriental Conference will be held in Trivandrum in December 1937 and it will be very useful to have a descriptive catalogue of the ancient manuscripts in the Palace Granthapura and in the Curator's office for the purpose of that conference. The present proposal is to prepare a catalogue with a small staff and to print it before the Conference meets in December. For payment to the staff to be entertained a sum of Rs. 2,200 is required for the rest of the current year. This staff will complete their labours by Thulam 1113, about a couple of months before the Conference meets.

Mr. M. N. Paramesvaran Pillai: May I know whether the Public will be admitted to see the manuscripts in the Palace Granthapura?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: Not ordinarily.

President: I believe the manuscripts are lent to reputed scholars who apply for them. But they are not allowed to take them outside the State.

The demand was put to vote and carried.

The grant was made.

MISCELLANEOUS CHARGES.

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: Sir, I move for a grant not exceeding Rs. 2,925 under miscellaneous charges" for purchase of copies of a new volume of the Regulations and Proclamations of Travancore proposed to be published.

The honourable members know that so far, seven volumes and a supplemental volume of the Regulations and Proclamations have been published. They cover the period up to the end of 1109. Since then several new Regulations have been passed and rules framed and it is proposed to bring the publication up to the end of of 1111. An application has been received from a practising lawyer of Trivandrum agreeing to do the work more or less on the same

[Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai]

terms and conditions under which the previous volumes were published. Government purchased 800 copies of those volumes on payment of an average price of Rs. 10 a copy. The number of pages in those volumes was about 1,000 to 1,200. But the present volume will consist of only about 400 pages and its price has therefore been fixed at approximity Rs. 4½. Instead of 800 copies it is proposed to purchase only 650 copies now.

Mr. M. N. Paramesvaran Pillai: May I know why a reduction in the number was made?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: Out of the 800 copies purchased, we have 160 copies in stock even now, Government do not therefore consider it necessary to purchase 800 copies as on previous occasions 650 copies will meet our requirements for the present or for the immediate future. The amount asked for now is for the purchase of 650 copies at Rs. 4-8 as. a copy.

The demand was put to vote and carried.

The grant was made.

Legislative Business.

THE TRAVANCORE BOILERS BILL.

Mr. Kayalam Paramesvaran Pillai: I move that the amendment, made by the Sri Mulam Assembly to the Travancore Boilers Bill as passed by the Sri Chitra State Council, be taken into consideration. The amendment was read to the House on a previous occasion, and I am sure honourable members will remember what it is, It is only a formal amendment to substitute the figure "1112" for "1110" occurring in the short title of the Bill.

Mr. R. Pitchu Aiyangar: I second it.

The motion was carried.

The amendment was then put to the House and carried.

THE TRAVANCORE SURVEY AND BOUNDARIES REGULATION (AMENDMENT) BILL.

Mr. Kayalam Paramesvaran Pillai: I move that the amendments made by the Sri Mulam Assembly to the Travancore Survey and Boundaries Regulation (Amendment) Bill as passed by the Sri Chitra State Council be taken into consideration. These amendments also were read to the House on a previous occasion and I believe the House remembers them. As honourable members are aware, the main purpose of the Bill is to make the erection of false boundary marks punishable The clause that embodies it has been accepted as it is by the Assembly. There was a proviso to that clause to the effect that false survey marks concerned may be

removed and that the cost of such removal may be recovered from any person according to the judgment of the Magistrate. The amendment introduced in the Assembly is to the effect that no person should be made liable for such costs unless it has been definitely proved that it was he that erected the false survey mark. That idea was perhaps in the minds of the honourable members of this House itself when they passed the Bill. Anyhow the matter has been made clear by the Assembly by introducing appropriate words. I move that these amendments may be taken into consideration.

Mr. M. N. Paramesvaran Pillai: May I know who will bear the cost of removal of the boundary mark when the accused is acquitted?

Mr. Kayalam Paramesvaran Pillai: I believe, Government.

Mr. R. Pitchu Aiyangar: I second it.

The motion was carried.

President: The question before the House is that in clause I, sub-clause (i) the figure "1112" be substituted for the figure "1110" and that in clause II under Section 34 (2), the portion beginning with "but" in line 4 and ending with "survey mark" in line 6 be deleted and the words "where such mark or object has been proved to be erected or placed by the accused" be inserted between the words "and" and "recover" in line 8.

The amendments were put to the House and carried.

THE TRAVANCORE INCOME TAX REGULATION (AMENDMENT) BILL.

Mr. Kayalam Paramesvaran Pillai; I beg to move that the Travancore Income Tax Regulation (Amendment) Bill as passed by the Sri Mulam Assembly be taken into consideration. The main purpose of this Bill is to impose a super tax on higher incomes, roughly speaking, incomes above Rs. 50,000 a year. The provision for that will be found in schedule III of the Bill as passed in the Assembly. Another important object of this Bill is to raise the rate of assessment on incomes above Rs. 15,000. It will be seen from the existing Regulation that the rate of assessment on incomes above Rs. 15,000 is 1 Chackram, up to Rs. 20,000. This is to be raised to 1 ch. 4 c. Again, the rate of assessment on incomes of Rs. 20,000 to 30,000 at present is 1 ch. 8 c.; that is sought to be raised to 1 ch. 12 c. The present rate of assessment on Rs. 30,000 to 40,000 is 1 ch. 12 c.; and that is sought to be raised to 2 chs. Above Rs. 40,000, it is sought be raised to 2 Chackrams in the rupee.

Mr. M. N. Paramesvaran Pillai: May I know how many assessees there will be under that category?

Mr. Kayalam Paramesvaran Pillai: I have not got that figure.

Mr. K. George: In seconding this motion, I wish to speak a few words. The present Income Tax Regulation of 1096 was passed by the Legislature with a view to tax certain classes of people who were paying no tax. There was a complaint some years ago both in the Legislative Council and in the old Sri Mulam Popular Assembly that the only direct tax in the State was tax on agricultural lands, and that a large number of persons did not pay anything to the State for the amenities and privileges which they enjoyed under a well ordered and progressive administration. It was on that ground that the Income Tax Regulation was introduced in the old Legislative Council and passed in 1096 as Regulation VIII of 1096. This Regulation was once amended. That was the Income Tax Amendment Regulation V of 1100. The important changes that were made by that amending Regulation were first the abolition of what is known as adjustment system. By the Regulation of 1096 the assessment was first made provisionaly on the income for the year. In the succeeding year the provisonal assessment was made final and a new provisional assessment was made on the income of the year. As that system caused a great deal of inconvenience both to the Government and to the assessees it was decided to drop that system and assessment once made was declared to be final; that is to say, if an amount is fixed as assessment for 1112 based on the income of 1111, that will be final. One or two other changes were also made; but they were not of a drastic character. For instance, by the Regulation of 1096, the losses which a businessman incurred under one sort of business were not set off against the profits he made; that is to say, the profits were assessed irrespective of the losses. As that was unjust to the assessees that was amended so that only the net profits which an assessee actually made were assessed. But no change was made in the rate of assessment. These two Regulations, of 1096 and 1100, were based on the Indian Income Tax Acts of 1918 and 1922. A large number of changes have since been introduced in British India. Here also, for the proper working of the Income Tax Regulation certain modifications are found necessary. Hence the present Bill. The objects of the present Amendment Regulation are three-fold. One is to get a better income. For that we have first of all revised the existing Schedule I, and we have also added another Schedule to levy super-tax in the State. Another object is to remedy the defects in procedure and methods for assessment so as to make the work more easy.

I shall first deal with the important changes that have been made in the provisions relating to procedure. I shall deal only with such of them as seems to me to be of real importance. There is an amendment to Section 3 (1) (*a*). At present, under Section 3, income is assessable only if it arises in Travancore. There are people who receive incomes outside Travancore and who bring them into Travancore. Such incomes escape income tax, because there is a rule that any income received in a foreign country shall not be assessed to income tax. That being so, such incomes escape assessment. Therefore, the words proposed by Section 3 (1) (*a*) are sought to be introduced.

Mr. K. P. Nilakanta Pillai: May I know, if brought in what form outside income will be assessed here?

Mr. K. George: Suppose there is a Bank which has its branch in Madras. It credits its income in Madras, and subsequently brings it over here. At present, according to the existing provision, because that income was received in Madras it escapes assessment here. By the amendment that is sought to be introduced, when that income is brought to Travancore, it becomes assessable here.

Mr. M. N. Paramesvaran Pillai: May I know whether retired officers who are receiving their pension outside Travancore are assessed or not?

Mr. K. George: Yes, if their pension is assessable.

There is an important change made in Section 8. Section 8 (3) says :—

> "In computing the profits or gains of a business which has its headquarters in Travancore has branches also elsewhere, or which is carried on partly in Travancre and partly outside, a deduction shall be allowed of the amount of the profits or gains appearing to the assessing officer to be due to the transactions carried on outside Travancore."

This provision has been taken away. The effect is this. An assessee may have his head office at Alleppey, and a branch office at Cochin. At present we assess only that share of the business for which the head office is responsible, since the branch is outside Travancore. By the deletion of this clause, what we propose to do is to bring the whole income of the institution under assessment; whether the income arises out of transactions in Travancore or out of transactions in Cochin. This Section does not exist in British India and Cochin. In a business conducted partly in Cochin and partly in Alleppey the Cochin Government taxes the whole income. It is true that this will result in double assessment of the incomes of businesses carried on in two States. This will be remedied by rules providing for affording relief from double income tax,

[Mr. K. George]

In the present Section 14 (2) ; the words 'total' income have been substituted for 'taxable income.' Under the existing law, if a man's income exceed Rs. 2,000 but is less than that sum on account of certain deductions he is not liable to income tax. Suppose a man's income is Rs. 2,100 of which Rs. 20.0 is by way of interest from Government securities which is not liable to income tax the man escapes assessment altogether because his taxable income is less than 2,000 although his total income is Rs. 2,100. After the amendment if a man's total income is above Rs. 2,000 income tax will be assessed on the taxable portion of his total income although such a portion, by itself, may be less than the assessible minimum. The amendment is in accordance with the provisions contained in the British Indian enactment.

An important addition is made in Section 15 A (2). This is with regard to incomes derived by individuals by way of interest from banks, companies, firms, etc. Now the assessing authorities have no means of getting information about incomes which certain persons receive as interest from banks and other institutions which receive deposits on interest. By this clause the duty is laid upon the banks or the firms concerned to intimate the assessing authorities the amount of interest that they pay to constituents. That is a very necessary provision which has been taken from the British Indian enactment. It is found from experience that such a provision is very necessary here to prevent evasion of tax.

Section 19 A (a) deals with the assesment of incomes derived by Cinema shows, itinerant circus shows, etc. The proprietors of such concerns make a lot of money from our country but they escape payment of the income tax. Now provision is made to bring such incomes also under assessment.

Another important change that is made is in Section 18 (4). There are cases at present where the assessee does not submit his return of income or his accounts or furnish any other particular when called upon by the assessing officer. In that case the assessing officer makes assessment on the best judgment basis. Even though this is resorted to solely on account of the party's fault, still he has also a right of appeal on the assessment. No such concession is given in the British Act. Now, by the proposed amendment it is proposed to take away that concession here also. It may be asked whether it will not put the assessee to trouble. Under Section 19 (c) the party who has a complaint can go to the Collector and ask him to reopen the assessment. If he refuses, there is an appeal on that, so that there can be really no hardship.

Coming to Section 23 an important amendment is made for the benefit of the assessee. At present the chief revenue authority has no power to interfere in certain cases where relief is necessary. According to Section 23 the chief revenue authority can iterfere only in cases in which an assessment proceeding has been taken by a subordinate officer. There are certain matters which do not relate to the assessment proceedings ; for instance, relief from double income tax. Suppose a party complaints that he has been unjustly taxed and a refund due to him has been denied. Under the present Section the chief revenue authority has no power to interfere as an application for refund is not an assessment proceeding. There are some cases where applications for registration are denied by the Income Tax Collector. The e is no means of revising the collector's decision, or take the case of a person who is declared by the Collector as the agent of a non-resident assessee under Section 33, but who denies his obligation, at present the decision of the Collector in such matters is final. It is necessary that power is vested with the chief revenue authority to interfere in such matters.

Section 25 relates to the bringing into assessment those who escape assessment. Under the existing Section, all assessment proceedings to tax an income which escaped assessment in one year have to be completed before the close of the succeeding year and as this is often not practicable much loss is thereby caused. I will give an example. Suppose a certain income escaped assessment last year. The present Section says that the assessment proceedings should be completed before the close of the current year. Now, it is not necessary that the assessment proceedings should be completed before the close of the year ; it is enough if notice is given this year that the escaped income will be assessed and if this is done the proceedings can be completed in the next year.

There are certain amendments to Section 50 in regard to references to the High Court. These changes are made in the interests of the assessees. For instance the extent of time given for preferring appeals has been made sixty days instead of thirty days. Now, as I said at the outset, of all the changes made the most important are the revision of the rates of assessment in Schedule I and the introduction of super-tax by Schedule III. The learned Law Member has already explained these changes. Up to an income of Rs. 15,000 the present rate of tax will continue.

Mr. M. N. Paramesvaran Pillai: May I know why this assessable minimum was not reduced to Rs. 1,000 in spite of representations to that effect?

Mr. K. George: That point was considered very carefully. I may mention that in British India the minimum was first Rs. 1000. Later it was raised to Rs. 2000. A few years ago it was again reduced to Rs. 1000. Now, again it has been raised to Rs. 2000. In Mysore the minimum is Rs. 2,400; in Cochin it is Rs. 2000. The principle in all direct taxation is that the tax that you get must be commensurate with the inconvenience and trouble that the people are put to.

Mr. M N. Paramesvaran Pillai: Are not the Government collecting land tax quite against that principle ?

Mr. K. George: That is done on a different principle altogether So it was decided that it was not worth while to bring the limit down to Rs. 1000. The rates cf assessment on income above Rs. 5000 are the present rates plus four cash in the rupee; ie., between 15 and 40 thousand rupees. Between Rs. 40,000 and 50,000, the rate is the present rate plus 8 cash. Between Rs. 50,000 and Rs. 1,00,000 it is the present rate plus 12 cash. Above one lakh it is the present rate plus 1 chackram. It must be noted that we have raised the maximum rate of taxation from 2 chackrams to 3 chackrams. Another noteworthy feature is that in the case of companies, the maximum rate of 3 chackrams per rupee is applied to all incomes At present, companies which earn less than Rs. 2,000 are not liable to assessment. In future, whatever be the income of a company, even if it is less than Rs. 2,000 it will be assessed at the maximum rate of three chuckrams. That is an important change. When I say companies, I also include registered firms.

Mr. M. N. Paramesvaran Pillai: May I know the probable number of assessees that Government expect under each of these classifications ?

Mr. K. George: I can only give some rough idea. I can only give the number of individuals who are brought under assessment, and the number of companies; but it is not possible to give the amounts. On an average, the number of individuals is 2100, It was more in some years; in 1105 it was 2,264.,

Mr. M. N. Paramesvaran Pillai: May I know the probable assessment under classifications 5 to 10?

Mr. K. George: I have not been able to make that sort of calculation.

Mr. M. N. Paramesvaran Pillai: May I know the number of assessees under classification No. 5 ?

Mr. K. George: That information is not available.

Mr. M. N. Paramesvaran Pillai: Then how can we know that, by this change, Government are going to gain ?

Mr. K. George: I have made a rough calculation of what the Government are likely to get.

The house adjourned for lunch at 1-2 P. M. and reassembled at 2 P. M.

MEMBER SWORN.

Mr. M. Govinda Pillai B. A., Registrar of Co-operative Societies, took the oath and signed the rolls.

THE TRAVANCORE INCOME TAX REGULATION (AMENDMENT) BILL (*contd.*)

Mr. K. George: Sir, before the House rose for lunch, I was referring to the provision made for the levy of super-tax. The question of levying super-tax was under the consideration of Government for some time, and Government have taken this opporunity for amending the Regulation to introduce the principle of super-tax also. Levy of super-tax is made in British India; also in Mysore. So, the principle is not a new one. Here the rates adopted are as follows:—On companies no super-tax is levied up to Rs. 50,000 and above Rs. 50,000 a flat rate of one chackram in the rupee is levied. In the case of individuals and partnerships, for the first Rs. 30,000 no super-tax will be levied. But over Rs. 30,000 for every rupee of the first twenty thousand, 12 cash will be levied per rupee and for every rupee of the next fifty thousand one chackram and four cash. A different rate is laid down for Hindu undivided, families and unregistered firms and the rate, except in the case of companies, progresses until it reaches the maximum of chackrams 6 and cash 4 in the rupee. I may inform the House that the prospect of getting super-tax from individuals and unregistered firms is negligible. Our return from super-tax will be mainly from companies and from a few individuals who get high incomes. I have made some calculations about the possible return to Government by this amending Regulation. By the revision of schedule I, we expect an income of Rs. 1,40,000. We expect a return of Rs. 14,090 from individuals, about Rs. 1,24,000 from companies and about Rs. 2,000 from unregistered firms, on the whole making a total of about Rs. 1,40,000. By levying super-tax at the rates I have specified above, we are likely to get about Rs. 50,000, so that the amending Regulation would bring an extra income of about Rs. 2,00,000 per year. I think it is a substantial amount which comes to the State, from persons who are able to pay. For these reasons, I commend this Amendment Bill for the acceptance of the House.

President: There are no amendments moved, and therefore with the leave of the House, I propose to place before the House clauses 1 to 34.

Clauses 1 to 34.

The question that clauses 1 to 34 do stand part of the Bill was put and carried.

Preamble and Title.

The clauses were added to the Bill.

The Preamble and Title were then put and carried.

Mr. Kayalam Paramesvaran Pillai: Sir, I move that the Bill be passed.

Mr. M. Govinda Pillai: I second it.

The motion that the Bill be passed was put to the vote of the House and carried.

President: With the leave of the House, and if the House so chooses, I would prefer to deal with those legislative proposals in regard to which no amendment has been received. Then, I shall place before the House the Travancore Co operative Societies Bill and the Travancore Trade Unions Bill.

THE TRAVANCORE FOREST REGULATION (AMENDMENT) BILL.

Mr. Kayalam Paramesvaran Pillai: Sir, I beg to move that the Travancore Forest Regulation (Amendment) Bill as passed by the Sri Mulam Assembly be taken into consideration. It will be noticed that Section 47 A of the Regulation empowers a Forest Officer to release an arrested person on his executing a bond. It does not empower the Officer to demand any surety from the person. It is not always safe to release a person on his bond alone. A surety also may be necessary. This Bill empowers the demanding of a surety.

Mr. M. Govinda Pillai: I second it.

The motion was carried.

Clauses 1 and 2.

The question that clauses 1 and 2 do stand part of the Bill was put to vote and carried.

The clauses were added to the Bill.

Preamble and Title

The Preamble and Title were then put and carried.

Mr. Kayalam Paramesvaran Pillai: I beg to move that the Bill be now passed.

Mr. M. Govinda Pillai: I second it.

The motion was put to the vote of the House and carried.

THE TRAVANCORE BAR COUNCIL BILL.

Mr. Kayalam Paramesvaran Pillai: Sir, I beg to move that the Travancore Bar Council Bill as passed by the Sri

Mulam Assembly be taken into consideration. Honourable members are aware that the law relating to the admission of legal practitioners in the State is now contained in the Vakils' Regulation; and, as the House is well aware, there are three different classes or grades of vakils, at present namely, High Court Vakils, District Court Pleaders and Second Grade Pleaders. The object of this Bill is to unify the classes of vakils and to give them an autonomous status. The chief proposal is to constitute a Bar Council which will consist of members elected by the legal practitioners. They will lay down rules for the admission of practitioners subject to the powers of the High Court. They will also have a voice in the admission of persons as practitioners in the High Court. The chief provision, therefore, is to constitute a Bar Council. That is contained in clauses 3 to 7 of the Bill. Another important provision is the creation of "Advocates". At present the legal practitioners are called vakils. Hereafter, they will be called Advocates. No person who is not an Advocate will be allowed to practise in any court at all subject however to one exception *viz.*, that those who are now enrolled will be allowed to continue as vakils but are not eligible to be advocates to practise as here-to-fore. The law graduates will be admitted as advocates and they can come in only as advocates In future, all these law graduates will therefore have to be enrolled as advocates if they want to continue as legal practitioners. The stamp duty at present for enrolment in the High Court is Rs. 350. All the B.Ls who do not practise in the High Court and who practise in the District Courts will be called upon to enrol themselves as Advocates in order that they may be able to continue to practise. That will entail additional expenditure, for each of them will have to pay Rs. 350 as enrolment fee. This may be felt as a hardships In the case of such persons therefore, that is to say, those who are eligible at present to be enrolled as Advocates but are not already High court Vakils, the stamp duty will be reduced to Rs. 100, as a recompense for their being compelled to enrol themselves. The object of the Bill is to weld all these first class legal practitioners into one body. They will be given powers to elect their representatives who will have power to lay down rules as to the admission of vakils and will have a voice in the personnel of the Advocates. These provisions are contained in clauses 8 and 9. Clauses 10 to 13 deal with the disciplinary powers of the Bar Council. The Bar Council will have a voice in the disciplinary control of the Advocates It will thus be noticed that they are given power to govern themselves. Clauses 14 to 20 deal with miscellaneous matters giving power to make rules. The Bill is drawn on the lines of the corresponding Act in British India. I trust it will commend itself to the acceptance of the House.

The motion was carried.

Clauses 1 to 20.

The question that clauses 1 to 20 and the schedule stand part of the Bill was put to the vote of the House and carried.

Preamble and Title.

The Preamble and Title were then put to the House and carried.

Mr. Kayalam Paramesvaran Pillai: Sir, I beg to move that the Bill be now passed.

Mr. M. Govinda Pillai: I second it.

The motion that the Bill be passed was put to the vote of the House and carried.

THE TRAVANCORE IDENTIFICATION OF PRISONERS BILL.

Mr. Kayalam Paramesvaran Pillai: I beg to move that the Travancore Identification of Prisoners Bill as passed by the Assembly be taken into consideration. The object of this Bill is to give legal sanction to police officers in the State to take measurements and photographs of convicted persons. Even though police officers now exercise this power, it is not supported by legal sanction. If any person refuses, he cannot be punished. The object of this Bill is to enable police officers as also courts to take measurements and photographs of such persons.

Mr. M. N. Paramesvaran Pillai: It is stated in clause 6 of the Bill that "If any person who under this Regulation is required to allow his measurements or photograph to be taken resists or refuses to allow the taking of the same, it shall be lawful to use all means necessary to secure the taking thereof". May I know whether force can be used.

Mr. Kayalam Paramesvaran Pillai: Yes, force can be used.

Mr. E. P. Varghese: May I know whether there is any instance of the refusal on the part of any person?

Mr. Kayalam Paramesvaran Pillai: None that I know of.

President: I have heard of the refusal of a Mappila prisoner which resulted in the fracture of a warder's jaw.

Mr. M. N. Paramesvaran Pillai: May I know whether the police can detain an individual for the purpose of taking an impression?

Mr Kayalam Paramesvaran Pillai: That is not what is meant. If a man refuses to give an impression of his finger somebody can take hold of his finger and have it impressed. Similarly a man can be photographed.

Mr. M. Govinda Pillai: I second it.

The question that the Travancore Identification of Prisoners Bill be taken into consideration was then put and carried.

Clauses 1 to 9.

The question that clauses 1 to 9 do stand part of the Bill was then put and carried.

The clauses were added to the Bill.

Preamble and Title.

The question that the Preamble and the Title do stand part of the Bill was then put and carried.

Mr. Kayalam Paramesvaran Pillai: I beg to move that the Bill be passed.

Mr. M. Govinda Pillai: I second it.

The motion was carried.

THE TRAVANCORE CO-OPERATIVE SOCIETIES BILL.

Mr. Kayalam Paramesvaran Pillai: Sir, I beg to move that the Travancore Co-operative Societies Bill as passed by the Sri Mulam Assembly, be taken into consideration.

This Bill is not a stranger to the House. The House will remember that a committee was appointed to suggest measures for a more efficient working of the co-operative societies and to draft a Bill therefor. The report of the committee and the draft Bill submitted by them were fully discussed in this House. The present Bill is in substance the Bill recommended by the Committee, which it will be remembered was presided over by the late Mr. Devadhar. I may say however that one particular provision in the Bill framed by him, namely, that the Registrar should have power to suppress committees and appoint fresh committees, has been taken away or rather improved upon by the Assembly. The Bill as it now stands empowers the Registrar to appoint new committees but only from among the members of the society. I am referring to this because there was much criticism on this point in the Assembly and in this House. In the Bill as now passed in the Assembly, there is hardly anything objectionable. This is a Bill which has interested everybody and I do not want to take up the time of the House by explaining the various provisions of the Bill in detail.

Mr. M. Govinda Pillai: I second it.

Mr. N. Ramakrishna Pillai: Sir, I beg to oppose the motion. This Bill seems to have been framed on the model of the Bombay and the Madras Acts. In the case of Bombay, the changes were necessitated on account of the economic depression that existed six or seven years ago. That was the case also in Madras. When the report of the Devadhar Committee was submitted the conditions in this State also were similar. Probably it was due to the existence of those conditions that drastic changes were recommended. But now the depression has begun to change. Further, two All-Travancore Co-operative Conferences have been held, after the submission of the report, and the recommendations made by the

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Devadhar Committee have been condemned ; and several important amendments have been suggested by those conferences.

Mr. M. Govinda Pillai: May I request the member to specify the conferences at which those suggestions were made?

Mr. N. Ramakrishna Pillai: There was a conference held last year under the presidency of Mr. Ramadas Pantulu. This year also a conference was held recently. In those conferences, important resolutions were passed affecting materially the recommendations of the Devadhar Committee. My submission is that this Bill should be considered in the light of declared public opinion, and the fact that the depression has lifted and conditions have changed.

In the Bill as proposed by the committee and as adopted by the other House, we find several drastic changes. I wish particularly to refer to the powers conferred on the Registrar in regard to the supersession of societies and also in regard to audit and surcharge. These are drastic provisions. The Registrar is empowered to supersede the committee of a society altogether, and to appoint a nominee of his own to take up the management, without consulting anybody. I submit that there is no reason why a committee elected by a responsible body should be superseded altogether and a nominee of the Registrar should be put instead. Of course, there is a similar provision in the Madras Act to be applied in the case of banks. I submit that the present provision is an innovation unwarranted by the conditions in the country. Another drastic provision relates to surcharge. In regard to that also dictatorial powers are given to the Registrar to punish the members of the society for supposed misappropriation or malpractice. There is no parallel anywhere for such a position.

I submit that these two changes are quite unwarranted and opposed to the fundamental principles of co-operation. The Registrar is supposed to be the friend, philosopher and guide to the movement. Instead of being a friend and philosopher, this Bill makes him a dictator or tyrant. There is not even an advisory body whose opinion he need consult. There is no need for the Registrar even to give any ground for his interference with the internal working of a society.

I submit these are very drastic changes ; and they should be dropped from the Bill.

Another very important change that is made in the Bill is with regard to audit. In respect of that, in some cases, the society is made to pay for the audit that is conducted by the Registrar. It was a concession that the Government had granted to societies to conduct audits free of charge. Now, that position has been changed to some extent. Such change is opposed to the principles of the co-operative movement, and such provisions should not find

a place as such in the Bill. There is another point I wish to say in this connection. A very serious responsibility is cast upon the department in conducting the audit of the various societies under the charge of the department. Though vast powers are conferred upon the Registrar and upon his nominee, in conducting audit, we do not see any corresponding duty cast on them to conduct the audit in a *proper* manner. Of course, there are large powers conferred on the auditor. He can call upon any officer of the society and order him to produce documentary evidence, etc. A corresponding duty should be imposed on the auditor also, in order that the audit will be properly conducted. The auditor should be made responsible for any untrue statements made by him. He should be liable to be proceeded against for making incorrect statements in connection with audit. In the Bill before the House no such provision has been made for the above purpose. That is a very serious matter, and has to be taken into account in dealing with the question of audit and inspection. There is also the further fact that the Registrar is responsible for conducting audit and examination of accounts. These are two distinct functions, and therefore a distinction should be maintained with regard to audit and inspection. This point should not be lost sight of when considering the present Bill.

In framing a Bill of this character, there are other important matters to be taken into account. For instance, the Bill is silent about financing banks. It is the duty of the financing banks to finance the societies. There are also the taluk banks which require financial help. The financing banks are given the power to inspect taluk societies, and in certain cases they have to act as a consultative body. In this Bill, there is no mention of financing banks, or about their duties and responsibilities in the matter of consultation.

In regard to the amendment of bye-laws I have to make one observation. In the Bill, there is a provision enabling the Registrar to make amendments with regard to the bye-laws binding on a particular society. On the contrary, the society itself has no power to amend its own bye-laws. There are circulars and rules issued by the department for the guidance of societies. It is very necessary that a society should be given powers to amend its own bye-laws. I do not see why the Registrar's sanction should be obtained beforehand, to make suitable bye-laws for a society.

I also fail to see why an agricultural society should be compelled to be of the unlimited type. Members of an agricultural association who want to conform to the provisions of the Co-operative Regulation should not be compelled to form a society of an unlimited type. In country parts, the people may not be highly educated. It is possible they may not be aware of the societiy's

[Mr. N. Ramakrishna Pillai.]

implications of unlimited liability. The way in which the societies are to be formed and the liabilities and responsibilities devolving upon the members of the society - these factors may not be known to them. If these people are compelled to start a society of an unlimited type, that will work serious hardship. Such a provision requires change. Further, this is not obtaining anywhere else. In the Mysore Regulation, there is no provision of this kind. The societies must be allowed to be of either the limited or the unlimited type. To put any manner of compulsion in the matter of the formation of a society is unwarranted and unjustifiable.

Provision for the formation of an Advisory Board, as has been recommended by the Devadhar Committee, is necessary for advising the Registrar for giving him information and for co-ordinating the work of the movement. There is absolutely no provision for that purpose.

Mr. M. Govinda Pillai: May I refer the member to Clause 47 of the Bill?

Mr. N. Ramakrishna Pillai: There is no provision in the Rules for the election of members for the Advisory Body. That is the point I am referring to. Any provision, for an Advisory Board, without the rules for the election of its members, is quite useless.

The Devadhar Committee makes pointed reference to the fact that the failure of the co-operative movement in this country is to a certain extent for want of education and training. No mention whatever is made either to help the education of co-operators, or of the sort of training that should be given to them. There is absolutely no reference to this aspect of the matter in the rules. The Devadhar Committee lays emphasis on the fact that unions are useful limbs to the co-operative movement, and that, for its success, there must be as many unions as possible. No mention of the duties and responsibilities of supervising unions is seen in the present Bill. These are definite draw-backs in the present Bill, and as such it requires a thorough revision.

This Bill has been drafted on the lines of the Madras and the Bombay Acts. Those acts were passed on account of conditions prevailing in the days of economic depression. Now the depression has left us. Conditions have changed. Persons who are competent to speak on the subject of co operation are also of the view that these provisions require a change. Under these circumstances my submission is that the Bill may be sent back for a re-consideration.

A Bill of this character requires very careful consideration of the provisions by this House itself, because of the fact that there

are about $2\frac{1}{2}$ lakhs of co-operators in this country, and also of the fact that there are a large number of co-operative institutions actually working. This is not a light matter. This is a very serious matter to the public. Government should bestow sufficient attention on the matter on account of the fact that the movement is being worked by non-officials. If the movement is properly conducted, and the co-operators properly helped, it is bound to be of very great help to the large majority of the people. The main object of the Bill is not to officialise the movement This is non-official movement organised by voluntary associations to bring about better living, thrift and prospects in life. Seeing that this is a voluntary association of people, to introduce official element more than what is necessary, will certainly detoriorate the movement. Of course nobody objects to the granting of powers to the Registrar in respect of audit, inspection, registration, etc. It makes the Registrar an absolute dictator, and allows him to interfere in the internal management of societies without any reference to the fact whether the societies are primary societies, taluk banks or apex banks. There is absolutely no differentiation with regard to the class of societies. I submit that to make the Registrar a dictator and to enable him to interfere in the internal management of the societies, is certainly opposed to the opinions of co-operators throughout India. It is not conducive to the interests of the movement. No case has been made out to confer upon the Registrar so much of unlimited powers. With these words, I oppose the consideration of this Bill.

Mr. K. P. Nilakanta Pillai: Sir, I also beg to oppose the introduction of this Bill. When the Devadhar Committee's Report was placed before this House, we were obliged to raise very serious objections to the main recommendations of that committee in spite of the fact that we had great reverence for that person. On that occasion, I referred to a very significant fact that the late lamented Devadhar, while his hands were tied down by manifold activities outside Travancore could not, as the report itself shows, bestow as much attention on the report as he was expected to do. Recommendation after recommendation of that Committee was subjected to serious criticisms by myself and by many other members on this side of the House. It is again regrettable to note that none of those criticisms seems to have been taken notice of by the framers of this Bill. Whatever may be the character of similar Bills introduced in this House, this Bill relates to co-operative societies, and every one knows what co-operation is and what ought to be the principles of such a Bill, in the interests of the expansion and consolidation of co-operative ocieties in Travancore. The Committee was appointed to go

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into the question and find out how to further expand and consolidate the existing societies in Travancore on the one hand, and on the other to formulate methods for the better living of their members. With these main objects in view let us examine how far this Bill has answered those references. It is not at all an exaggeration to say that this Bill, from those points of view, is a complete failure. The Bill, I dare say, has not been carefully considered either by the Co operative Registrar or by the learned Law Member. When I come to the various amendments that I have tabled I hope to be able to show and convince the House that this Bill has been handled in a haphazard manner or rather that the responsibility in the matter has been divided between several officers so that no one could be completely responsible for this measure. Because I am a humble co-operator I should be very careful in passing severe criticisms like this. To begin with I will just quote what Mr. Ramadas Pantulu has said about this Bill, which was attached as a schedule to that Committee's Report. He said,

> "I am constrained to say that the draft of your Committee has given the go-by to many of the Progressive Principles and ideals of the India Act II of 1912."

Even though I happen to be a beginner in the co-operative movement, this statement, from such a tried and experienced man as Mr. Ramadas Pantulu, would show that the Bill bids good-bye to many of the recognised and fundamental principles of co-operation, principles which have been followed by the Indian Act, by the Bombay Act, by the Punjab Act and by the Irish Act. Mr. Ramakrishna Pillai was telling the House that this Bill more or less follows the Bombay Act. But I find that it follows neither the Bombay nor the Madras Act and, so far as the British Indian Act of 1912 is concerned, this Bill is very retrograde. I will be able to convince this House of that when we consider the various amendments. We can see that the best in the Madras and the Bombay Acts has been given up ; and the only idea which seems to have been before the framers of this Bill was to make the Registrar of Co-operative Societies the centre of the whole scheme and forget altogether the primary societies. That should not have been the case. On the other hand, the primary societies should have been made the centre of this Bill and the Registrar only a helping hand. Instead of that, the primary societies are ignored ; not only ignored but their very existence is jeoparidised. One of the main objects of the Devadhar Committee is to further expand the co-operative movement in the State. Mr. Ramakrishna Pillai has rightly said that by several provisions of the Bill hereafter the

very formation of agricultural co-operative societies is deliberately sought to be prevented Clause 4 (2) shows that, hereafter, if an agricultural primary society is formed that should be of an unlimited nature. That was not the object, as we understood it, when the proposition for the appointment of the Devadhar Committee was moved in this House. Then the main argument on the part of the Government was that, due to the sudden growth of the movement many mushroom societies had been formed, that, without proper administrative control, auditing and checking a lot of good, bad, and useless societies had crept up in the State, and that therefore we must consolidate the existing societies and create a better type of societies so that the co-operative movement might not be a failure. This was the line of argument then taken by the Government. But now we find that the Registrar is made a dictator and the responsibility for the whole success or failure of the movement is completely laid at his hands. Is the learned Registrar in a position to come forward and take the whole responsibility for the movement in the State whatever the conditions of the societies may be? Is he bold enough to do that? I am not afraid of his dictatorship. On the other hand, I welcome it provided the dictator will shoulder the responsibility undivided. He dare not to do it. The preamble says :—

> "For the formation of thrift, selfhelp and mutual aid among agriculturists and other persons with common economic needs so as to bring about better living, better business and better methods of production........."

I would challenge this House to show any rule contemplated under the Bill to achieve this object. Absolutely none. Therefore on that side this Bill is useless. Then, about facilitating the formation and working of the societies instead of facilitating and helping the expansion of the movement in the State, many of the provisions in the Bill tend to retard the growth of the co-operative movement. Therefore, so far as the preamble is concerned, it is useless. It does not satisfy either the one or the other of the objects of the Bill. Then what is the purpose of retaining the preamble in the Bill? There is absolutely none.

Coming to the doubtful nature of some of the provisions in this Bill, I made a remark that nobody seems to be responsibe so far as this Bill is concerned. I am bound to substantiate that remark. Nobody has carefully considered this Bill. That is my grievance. The whole thing is made a mess. There is that provision regarding reserve funds. If the main object of the Bill is to promote or ensure the safety of the agriculturists in the State, then I ask why the Bombay Act has been deviated from, and even Section 14 of the existing Regulation has been forgotten, and

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why the Madras Act has been followed on the pretext that we want to ensure the safety of the reserve fund of the co-operators of the State.

As a matter of fact this Bill helps to slowly melt away the reserve fund. At this stage I am expected to take the House to some of the important provisions of this Bill, so far as it affects the co-operators, and indirectly the agriculturists who are expected to form co-operative societies. I do not know why a co-operative society has come to a decision by a meeting of its general body, that the Registrar should question it and interfere in its decision? If the primary societies are to be considered as the pivot of the whole movement in the State, under what circumstance can the Registrar ask for dictatorial powers? If on a small question, which has been decided by the general body of a primary society in one way the Registrar is empowered to cancel that decision and have his own way, then can the movement be called a movement of the people. By this provision, the Registrar is empowered to interfere with the autonomus powers of the primary societies, as he likes. I think, Sir, it is a fundamental error to invest the Registrar with such powers. Sir, he can be given sufficient powers in the matter of auditing and accounting the finance of a society. But so far as the provisions of this Bill empower him to override the decisions of the general body of a primary society, Sir, that will cut at the very root of the fundamental principle of the co-operative movement. Under those circumstances, when the Registrar is given such powers, no respectable agriculturist will come forward to help the movement, to be always dictated to by the Registrar and his subordinates. Sir, the Registrar by his very position in the movement, is to be the friend, philosopher, and guide of the co operators. Such being the case, I do not understand why he asks for such powers to override the decisions of primary societies. Sir, by accepting the provision in clause 4 that, hereafter, the primary societies are to be unlimited in the matter of liability, I think no new society will be registered and all the existing ones will have to be liquidated. Sir, in this connection, we ought to take into account the economic factor. The economic depression has hit hard every agriculturist in the State and every one of them is accutely suffering. Without considering these points, the Registrar has brought forward a Bill which provides that hereafter every agriculturists' society should be unlimited in the matter of liability. Ordinarily the liability of a member of a primary society is limited to the extent of his share in that society. But the Registrar says that his liability should be

unlimited. That means that if a member takes a loan every other member should be individually and collectively responsible for that loan. That seems to be the idea of the Registrar. I cannot understand a principle which lays down that if an individual takes a loan, any other man should be responsible for that loan.

Mr. M. Govinda Pillai: May I invite the attention of the learned member to clause 4 proposed in the Bill which is in line with the Government of India Act of 1912.

Mr. K. P. Nilakanta Pillai: Sir, it is no argument to say that because an error has crept in the British Indian Act we must perpetrate it. I was observing that, even before, Rule 14 was not being followed by the Registrar. In spite of that clause in the Regulation, the Registrar is asking for power to refuse the registration of a society. Anyhow, these provisions are made, not with a view to exercise better control over the societies but to override the decisions of the general body of a society.

Mr. Kayalam Paramesvaran Pillai: Are there agriculturists' societies now?

Mr. K. P. Nilakanta Pillai: All the primary societies are practically agricultural. But I ask how are they financed? By whom? For what purpose? The answers to their questions will show that these societies are financed by the agriculturists but the loan transactions are of doubtful utility to the agriculturists. That is why these primary societies never thrive and often get ruined.

Mr. M. N. Paramesvaran Pillai: Then why should we think of legislating for them?

Mr. K. P. Nilakanta Pillai: The Regulation is mainly intended to benefit the agriculturists of the country by means of the co-operative movement. But, on account of the provisions of this Bill, hereafter no agricultural society will come forward for registration and the existing ones will have to be liquidated.

Mr. Kayalam Paramesvaran Pillai: May I know from the honourable member why he says that hereafter agricultural societies will not come up for registration?

Mr. K. P. Nilakanta Pillai: At present, many of the societies are registered as limited liability societies. But, by the provisions of the Bill no one will be willing to enrol himself as a member of an unlimited liability society. The clause is as follows:

> "The liability of a society of which the primary object is the creation of funds to be lent to its members, and of which the majority of the members are agriculturists and of which no member is a registered society shall be unlimited and the members of such a society shall, on its liquidation, be jointly and severally liable for and in respect of all its obligations."

Mr. K. Madhavan Pillai (*Trivandrum*): Does not the words "shall come" in the place of "may come" make a difference

Mr. K. P. Nilakanta Pillai: That is the only difference. Here it is obligatory to register all the societies as unlimited liability societies. Not only that, after the registration of the society, every member of the society who was a share holder before this Bill came into being, is made jointly, and severally liable to every transaction whether that transaction took place before or after the passing of this Bill. Can any one imagine a more drastc method to promote the co-operative movement in the land? As a man who is in touch with the agriculturists in the State, I am sure that, by this clause, the Registrar can liquidate or refuse registration to any primary society.

Another point which I want to stress is that the Bill has not been carefully considered. I do not know whether the learned Law Member has bestowed as much attention on it as he is expected to do. There is no clarity of vision or clear understanding shown in the Bill. Nothing is provided in the Bill as to what should be the rules and byelaws of a primary society or what should be the functions of a financing bank or Union in relation to the primary societies. The whole thing is made a mess and everything is in confusion in the Bill, For example, clauses 5, 6, 11 and 12 all these ought to have found their places not in the Regulation but in the bye-laws of the particular societies or unions concerned. These clauses only show that the Registrar is anxious to make himself the cynosure of the co-operative movement. The framers of the Bill wanted to create all sorts of confusion of issues with a view to give the Registrar as much powers as possible. The bye-laws to be framed by a society or by a financing bank have crept into this Bill to make it as bulky as possible.

Then again, there is confusion of ideas in the matter of arbitration as well as auditing and inspection of accounts. If the Bombay Act would show that auditing and inspection of account are distinct functions, I do not see why all these fuctions are mixed together in this Bill. I am at a loss to understand who would be responsible for these functions. If after auditing it is found that this was done in an irresponsibly negligent manner in the case of a primary society, the financing bank or the union has to suffer. In the case of the financing bank also, there is now nobody responsible to make a thorough or efficient audit of accounts. Sir, we are rather anxious about the finances of the Central Bank at Trivandrum. Though the Managing Committee consists of respectable non-official members the Registrar is given powers to audit and check the accounts, and moreover he may delegate those powers to one of his subordinates.

And more often than not these powers are delegated to a petty Co-operative Inspector who is deputed to audit and check the accounts of financing banks like the Central Bank at Trivandrum. This petty officer has got the power to summon persons or to proceed against the bank in accordance with the provisions of the Civil Procedure Code. Sir, I know the legal equipments of these Inspectors. It is true to say that respectable non-officials of considerable status and position are actually humiliated by the overriding powers of these Co-operative Inspectors. Sir, there is a lot to be said with regard to this matter. But, I am not going to take the time of the House now by enumerating all the defects of this Bill.

In this connection, I may also refer to the power of the Registrar in superseding societies arbitrarily. Therefore throughout in every provision in the Bill, every thing is made to tighten the control of the Registrar over the societies and thus to humiliate the societies and their office bearers instead of finding means for expanding the movement in the State through right channels. If the Bill comes into law, it will only retard the progress of the movement in Travancore and co-operation will be a failure here. We must also take into consideration why a committee has been appointed and why this Bill has been found necessary. As I said when I adverted to that topic at the very beginning of my speech, it is on account of the loose control that the department has been able to exercise over the existing societies in the matter of auditing and inspection and liquidation that the present this unhappy state of affair crept into the movement in Travancore. To remedy this evil the Registrar demanded more staff openly saying "With the existing staff, I am not able to carry on effective inspection and audit, or liquidation proceedings; I want more hands". This House readily gave him more hands. Now when he is given an army he wants to be given the powers of the commander. Sir, this is the way how every departmental head in Travancore seeks power. First of all the departmental head invents an excuse for his remission of work and says "I have not been able to do that because the staff is inadequate. What I can do with my limited staff I am doing the best I can. I want more hands for the work to be done efficiently. Then we are being previled upon to give him more hands. Now, the Registrar says, after getting more hands, that he wants more powers. Sir, this is a special feature which can be seen only in Travancore. Here is the Registrar who says, "I have no power under the present Regulation. Give me more powers so that I can exercise effective control." This is the cry that comes forth from every departmental head in Travancore. Whether an officer has twelve or six subrodinates under him, provided he can get the proper type of efficient men, he *will* be able to control. Less power-

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more control—that is the secret of the co-operative movement. Without non-official co-operation the movement will not be a success. Therefore, I request the House to take all these aspects seriously into consideration before accepting this Bill.

The motion that the Bill be taken into consideration was put to the vote of the House and carried.

Clause 1.

Clause 1 was put to the House and carried.

Clause 2.

Mr. N. Ramakrishna Pillai: I beg to move that in Clause 2 add "(i) Financing bank' means a bank which lends money to a society on security or otherwise" after clause 2 (h). I make this motion for two reasons. There is no definition of a Financing Bank in the Bill.

Mr. M. N. Paramesvaran Pillai: May I know whether the term appears anywhere in this Bill?

Mr. N. Ramakrishna Pillai: That is why I have brought in this amendment. Primary and other societies should have the aid of a financing bank. Such banks have got the power to inspect the societies to which they lend money. There is such a provision in the correspondin; Acts of Madras and other places.

President: Is there any such provision made in any of the amendments than the honourable member intends to move?

Mr. N. Ramakrishna Pillai: No, Sir.

President: This is a definition clause. Unless the honourable member, in the course of his amendments, or in the course of the scheme for the alteration of the Bill, introduces the subject matter, the inclusion of this definition is not necessary. I think, therefore, that the amendment is not in order.

The amendment was ruled out.

President: The question is that clause 2 do stand part of the Bill.

The clause was added.

Clause 3.

Mr. K. P. Nilakanta Pillai: Sir, I move:

Add the following at the end of clause 3:—

"No one shall be eligible for appointment as Registrar unless he is a barrister-at-law or an enrolled advocate of the Travancore High Court having practice in the High Court of Travancore for a period not less than ten years or with service as judicial officer for not less than ten years".

In moving this amendment I may inform this House that I have borrowed the idea of this amendment from the existing English Act The Co-operative Regulation, as it is obtaining in England to-day, contains this provision.

Mr. M. Govinda Pillai: May I know whether there is a Co-operative Regulation in England?

Mr. K. P. Nilakanta Pillai: Yes, there is. The House can understand more or less from what I have been telling in the course of my speech that the task of audit, liquidation and inspection involves a lot of responsibility; and it very often requires the interpretation of the existing Regulation, the Rules that may be passed hereafter under the Regulation and the Rules and Bye-laws that may be adopted by primary societies.

Mr. M. N. Paramesvaran Pillai: Is it the member's opinion that legal qualification alone is sufficient for all these?

Mr. K. P. Nilakanta Pillai: Persons of the type that I have in view will get special training in co-operation. I do not wish that the legal qualification ought to be the minimum qualification. The present Registrar may be a very competent man. But he is not to remain there for ever. He may retire and some other man may come in. The new officer may not possess as much training as the present Registrar.

Mr. S. Piraviperumal Pillai: Does the member fear that the Leather Expert may be appointed Registrar of Co-operative Societies?

Mr. K. P. Nilakanta Pillai: Such appointments were possible once. But now I do not think that will happen.

Sir, what I wish to emphasise is that at least the Registrar who is controlling the whole co-operative movement in the State must be a proper man. Mr. M. N. Paramesvaran Pillai doubts why I should insist upon legal qualification for the post of the Registrar. Sir, the post must be held by a man who has a broad vision. He should not be tied down by petty prejudices. He must be able to rise above all these petty things and look with a broad mind. Lawyers, compared with other people, have broad outlook.

Mr. E. P. Varghese: Where is the possibility of his getting training in co-operation?

Mr. K. P. Nilakanta Pillai Is the suggestion I make is adopted the honourable member will find dozens of men sailing away to different places to get the necessary training. There is absolutly no fear on that account. It would be better to accept my amendment in the interest of the movement in Travancore.

Mr. Kayalam Paramesvaran Pillai: Sir, I oppose the amendment. First of all, I would point out that the chief function of the Regisirar is not quite one of interpreting law and statutory rules or application of them. Honourable members are quite aware that many departments of the State are Governed by or are working under statutes. The Income Tax Department for examble has to apply the rules under the Income Tax law and collect taxes. A lawyer is not considered for that reason to be necessary to preside over that department. Similar is the case with the Forest Department. The department is working under a statute, the Forest Regulation. He has to apply and interpret the Forest law. It does not follow from that that the Forest Department should be presided over by a lawyer. It is unnecessary to multiply instances. The Co-operative Department is not a legal department. It is a department concerned with and functioning to carry out a definite policy. It has to see that the movement goes on successfully. For this purpose, it must be guided by law no doubt. But the chief and more important function of the department is to see that the movement thrives and works properly. It may be that a lawayer may be able to govern the department, but it is wrong to assume that a lawyer alone is competent.

Mr. K. Madhavan Pillai: Does the member insist upon Barristers?

Mr. Kayalam Paramesvaran Pillai: I do not. Co-operative societies are not like joint stock companies. Joint stock companies are given existence by law, and thereafter they work under the law and Government do not step in to guide them.

Mr. K. Madhavan Pillai: May I know whether Friendly Societies are joint stock oompanies?

Mr. Kayalam Paramesvaran Pillai: Friendly Societies are not quite like co-operative societies. Here, the more important thing is not the giving of any corporate status, but to instil in the minds of the people the idea of co-operation to see that proper societies are registered and to see that they work properly. Here, the work is exactly the same as in the case of the Foret Department or of the income Tax Department.

Mr. K. Madhavan Pillai: Can the member deny that owing to wrong interpretation of law, great difficulties are caused in the working of the societies?

Mr. Kayalam Paramesvaran Pillai: Yes, I can. However that it is really so. There may be a wrong interpretation of law and the proper person to interpret law may be a lawyer. But the question now is whether a lawyer alone shall be the presiding officer and whether the lawyer is alone competent to work the policy of co-operation.

Mr. M. N. Paramesvaran Pillai: Is there any objection to have legal qualification in addition to the prescribed qualifications ?

Mr. Kayalam Paramesvaran Pillai: There is no objection at all. We want certain qualifications for the Registrar. If they are there............

Mr. N. Ramakrishna Pillai: Does not the present Bill invest the Registrar with many important judicial functions ?

Mr. Kayalam Paramesvaran Pillai: It is a matter of opinion whether it is judicial or not. But in substance he is not quite a judge.

Mr. K. P. Nilakanta Pillai: May I know whether the decision, on arbitration, of the Registrar is final ?

Mr. Kayalam Paramesvaran Pillai: Yes, generally. There is however some provision allowing a revision of his decisions. What Mr. K. P. Nilakanta Pillai wants is that a lawyer and lawyer alone shall preside over the department. I object to that. Government will consider all the candidates and appoint the candidates best fitted for the place, lawyer or no lawyer.

The amendment was put to vote and lost.

The question that clause 3 do stand part of the Bill was then put to vote and carried.

The clause was added to the Bill.

Clause 4.

Mr. K. P. Nilakanta Pillai: Sir, I move that the proviso to clause 4 be deleted.

I made my point very clear when I was opposing the intrduction of the Bill. Clause 4 (*ii*) says that societies to be formed hereafter shall be unlimited and the liabilities joint and several. I have dealt with this point at length when I opposed the Bill. This clause is againat the fundamental principles of co operation. Knowing the conditions in Travancore and the needy nature of the people, this provision will be a red rag which will prevent every man from approaching these socities. If he was merely a share holder of a particular unlimited society and did not take any part in its transaction but kept aloof, at the time of the liquidation of the society he may be served with a notice to pay a certain sum of money. I ask honourable members, who seem to vacilate on several points, whether that is reasonable. If this provision is going to be retained, will the co-operative societies be of any use to agriculturists. Whatever may be the reasonableness of that provision, so far as joint stock companies are concerned, so far as co-operative societies are concerned, it is very bad. I do not know whether the

[Mr. K. P. Nilakanta Pillai,]

framers of the Bill seriously thought of the consequences of this proviso. They could have plainly said "Hereafter, we shall not have any co-operative societies". That would have been better. Without understanding the legal quibbles and subtleties contained in this Bill the ordinary co-operators will go and take shares in these co-operative societies. And they will be made liable when a society happens to be liquidated. That is unjust and unreasonable. I appeal to the House to support the amendment.

Mr. M. Govindan: May I know whether the member objects to the first proviso also? His speech was confined to the second proviso.

Mr. K.P. Nilakanta Pillai: That is contemplated in the Clause itself. It is superfluous. That is the reason why I said that no discremination has been made between the bye-laws and clauses which ought to find a place in the Regulation itself.

Mr. M. Govinda Pillai: Sir, I oppose the amendment. In doing so I must state that no novel principle has been introduced in clause 4 of the Bill. Clause 4 of the Bill merely reproduces the principle contained in the existing Regulation which is based on the Indian Act. If honourable members will concede that the principle of co-operation is each for all and all for each, every agricultural society must of necessity be based on unlimited liability.

Mr. K. P. Nilakanta Pillai: What is the number of unlimited societies in Travancore today?

Mr. M. Govinda Pillai: The majority of societies in Travancore are formed on the unlimited liability basis.

Mr. K. Madhavan Pillai: Does not the word 'shall' find place in the clause?

Mr. M. Govinda Pillai: It finds a place even in the existing Regulation. There is absolutely no change of principle involved in this proviso.

Mr. N. Ramakrishna Pillai: Which is the provision in the old Regulation?

Mr. M. Govinda Pillai: Section 4 of Regulation X of 1089.

Mr K. P. Nilakanta Pillai: The last proviso does not find a place in Section 4 of the existing Regulation.

Mr. M. Govinda Pillai: It is there.

Sir, there is a similar provision in the Mysore Act also. I may read for the information of the honourable members what the committee appointed recently to consider the working of the co-operative movement in Mysore has stated :

"Unlimited liability is best adapted for small village societies which do not require much capital and in which membership is restricted to a small area.

That is the principle accepted everywhere. Much was said about the last proviso, namely, that shareholders of societies on liquidation shall be jointly and severally liable.

Mr. K. P. Nilakanta Pillai : There is the further proviso that when the question whether the liability of a society is limited or unlimited has been decided at the time of registration, the decision shall be final.

Mr. M. Govinda Pillai ; That proviso does not introduce any novel principle. That is inserted only as a matter of caution.

I was just stating that the provision about the joint and several responsibility has been introduced to make the position clear. There is a doubt whether contributary liability will arise only after liquidation or before it also. The purpose of this proviso is to make the point clear. I therefore strongly object to the acceptance of the amendment moved before the House.

Mr. N. Ramakrishna Pillai : After hearing the Registrar, I think that there is no necessity for such a provision. The fact that there is a provision in the existing Regulation would be sufficient reason for continuing it in the Bill. But to say that the people should form only unlimited societies will be putting an obstruction in the way of forming societies. Apart from the fact that this provision has been borrowed from the Madras and other Acts, the Registrar has not been able to point out any reason for perpetuating the provision in the present Bill. The danger is that the majority of the people who form credit societies do not know their liabilities. If the people had been given any idea of the extent of their liabilities, then there would not have been any objection. When the members of the society have no facility for knowing their liabilities, I think it is very hard to retain the first proviso to clause 4. With these words, I heartily support the amendment moved by Mr. Nilakanta Pillai.

Mr. Kayalam Paramesvaran Pillai : I too oppose this amendment. First of all, let me point out that, if it is only a question of creating a corporate body for the purpose of making profit, there is the law in regard to the constitution of joint stock companies under which any set of persons can form themselves as a corporate body with limited liability, and function. It should not be supposed that, because of the proviso, the liberty of the people to form a corporate institution for profit, is taken away. Only, when you want to become a corporate body for functioning under co-operative principles enjoying the attendant privileges, then, you

[Mr. Kayalam Paramesvaran Pillai.]

must accept this proviso. For co-operative movement, the chief or the most important qualification is that there must be trust between each other, amongst those in the movement. If there is that trust, then what is the objection in making the liability of a co-operative society unlimited? Everybody must be aware of his liabilities present and possible. Assuming that there is mutual trust, if you borrow money from other persons, or if you incur some such liabilities, what is the objection, I ask, in making the liability of the society unlimited?

Apart from that, there is another aspect. The society in this case is purely an agricultural one. It must be conceded, that in order that the society may develop it must be able to attract deposits and attract credit. To facilitate this, the liability should be of the unlimited type.

Mr. K. P. Nilakanta Pillai: May I know whether it is not possible for a member of the primary society to borrow money without the knowledge of others whose liability is limited?

Mr. Kayalam Paramesvaran Pillai: Such hypothetical difficulties must be met by the bye-laws of a society. There is also the control of the Registrar.

Mr. E. P. Varghese: May I ask whether the bye laws can make the liability of a society limited?

Mr. Kayalam Paramesvaran Pillai: By enacting proper bye-laws, it must be possible for the members of the society to borrow money only with the knowledge and consent of the others.

Now, Sir, if the society consists of agriculturists, and if in order that it may thrive and for that purpose wants to attract deposits, the liability of the members of the society should be unlimited. They may have to borrow money They may have to buy goods on credit. Anybody may be unwilling to trust the agriculturist society if the liability is 'limited'?

Mr. N. Ramakrishna Pillai: Why should an outsider trust the members of a particular society?

Mr. Kayalam Paramesvaran Pillai: If they want to borrow money or get goods on credit or attract deposits.

Particularly to see that the agriculturist's credit is not lowered, anywhere, it is very necessary to make the liability unlimited. If the liability is limited, nobody may place trust on such societies.

Mr. S. Piraviperumal Pillai: Especially after the passing of the Agriculturists' Relief Bill, is not the question of trust between one another doubtful?

Mr. Kayalam Paramesvaran Pillai: Yes : credit has been lowered ; and if a society has to thrive, the liability should be unlimited. Then only a society can function properly. It has to attract deposits.

Mr. K. P. Nilakanta Pillai: If the liability is limited to the extent of the shares, cannot such a state of affairs call for more co-operation ?

Mr. Kayalam Paramesvaran Pillai: That is not the principle of co-operation. There must be trust between each other. Then only co-operative societies can prosper.

The amendment was put to vote and lost.

The question that clause 4 do stand part of the Bill was put to vote and carried.

The clause was added to the Bill.

Clause 5.

Mr. N. Ramakrishna Pillai: Sir, I move that clause 5 be deleted. There is absolutely no need to have a provision for changing the liability of a society. When the society is about to function, the nature of the liability should be settled first. Afterwards, that matter should not be open to question. Hence my amendment.

Mr. K. P. Nilakanta Pillai: Sir, I second the amendment. Now the tables are turned upon the Law Member. I have to meet the Law member with his own arguments advanced a little while ago. He stated that for the very principle of co-operation the primary society should be compelled to be of an unlimited type Now I ask, if that is the object with which clause 4 has been enacted, what is the purpose of clause 5. The point is that after a society has been registered as of unlimited type, the Registrar wants discretion to convert it into a limited type, or, if it is one of limited type, into an unlimited one.

Mr. M. N. Paramesvaran Pillai: Is the member aware that this clause has no relation to proviso in clause (4) ?

Mr. K. P. Nilakanta Pillai: That does not matter. That clause says that a society can be registered as either limited or unlimited. If a particular society is started with limited liability, why should it be made into an unlimited one or *vice versa* at a later stage ? If that be so, why should there be clause 4 ? Again, where is the necessity for a proviso giving the discretion to Registrar to convert an existing society of the limited type into one of the unlimited type, or *vice versa*. If the whole co operative movement is to rest upon the magic wand of a particular individual——

Mr. Kayalam Paramesvaran Pillai: Suppose, some time after the registration of a society as unlimited, the majority of its members cease to be agriculturists; and then they apply for change of liability from unlimited to limited. May I ask, should the Registrar be given power or not to sanction the change?

Mr. K. P. Nilakanta Pillai: Why, I ask? Is it for advancing the interests of the agriculturists? Is it for enforcing the principles of co-operation? The wire pullers may borrow money from a society of the limited type. Later on, when they have to repay and they find it difficult to repay, they may like to change the liability of the society.

Mr. Kayalam Paramesvaran Pillai: May I know, who will be affected?

Mr. K. P. Nilakanta Pillai: The society.

Mr. M. N. Paramesvaran Pillai: But the society cannot do so according to its whims and fancies.

Mr. K. P. Nilakanta Pillai: I am surprised to hear that from my colleague after his experience about the working of similar societies. We know, as a matter of fact, what will take place in a co-operative society. After all, the humble agriculturists who sit there as members may not understand many of the rules of societies. Most of them may not know the consequences of the rules. That is a thing which cannot be forgotten. Therefore, Sir, if a society is registered as one of unlimited liability and subsequently all the members agree to change the liability, why should the society be converted into a limited one? The Law Member observed very vehemently that it is opposed to the very principle of co-operation. When that is the case, why should a provision be inserted for changing the liability of a society at the middle of its working or sometime after it was started?

There is another aspect of the question. After all, the primary societies are concerned with this. Why should such a provision find a place in the Regulation? If the general body of a primary society decide to change its liability aspect, with a laudable desire to promote its prospects, why should the Registrar stand in its way? Whether they do it or not, why should the Registrar be given discretion in the matter to decide the issue? I cannot support such a state of affairs. Therefore, I support the amendment?

Mr. Kayalam Paramesvaran Pillai: I oppose the amendment. Mr. Nilakanta Pillai spoke about the turning of tables. Apparently, Mr. Nilakanta Pillai did not understand the interruption of Mr. Paramesvaran Pillai, namely, that this amendment has no relation whatever to the proviso to clause 4. The

position that was contended for in the previous clause was that the liability of an agriculturists' society should be of unlimited type. In the next clause, certain other principles are laid down. The general principle of it is that it merely gives permission to a body to change the liability from unlimited to limited, or *vice versa*. This requires the sanction of the Registrar. Let us see what is provided by proviso ii to clause 5. It reads thus:

> "Any member or creditor shall, notwithstanding any bye-law or contract to the contrary, have the option of withdrawing his shares, deposits or loans, as the case may be within three months of the service ....have been satisfied."

If anybody has got any objection, he can withdraw his deposit and share money from the society. That may be seen from sub-clause (2).

Mr. K. P. Nilakanta Pillai: May I know whether, even without an application to the Registrar, he can withdraw his money from the society?

Mr. Kayalam Paramesvaran Pillai: That will depend on other circumstances.

Mr. K. P. Nilakanta Pillai: Therefore, does not the question of withdrawal depend upon his liability and obligation in society?

Mr. Kayalam Paramesvaran Pillai: This provision merely gives permission to him for withdrawing. It is a very helpful provision to the society to function properly.

The amendment was put to vote and lost.

The question that clause 5 do form part of the Bill was put to vote and carried.

The clause was added to the Bill.

Clauses 6 to 11.

The question that clauses 6 to 11 do form part of the Bill was put to vote and carried.

The clauses were added to the Bill.

Clause 12.

Mr. N. Ramakrishna Pillai: Sir, I beg to move the following amendment:—Delete the words "may, if he thinks fit" in line 2 of the sub-clause (2) and substitute the word "shall" therefor. The clause as amended will read thus:

> "If the Registrar is satisfied that any amendment of the bye-laws is not contrary to this Regulation or the rules he shall, register the amendment. In the case of refusal, an appeal shall lie to Our Government within two months from the date of the issue of the order of refusal."

[Mr. N. Ramakrisnna Pillai.]

When an amendment of the bye-laws is accepted by the general body, and when the Registrar is satisfied that it is not contrary to the provisions of the Regulation, I submit there is absolutely no reason why the Registrar should, refuse to sanction it.

Mr. M. N. Paramesvaran Pillai: May I know whether there is not a similar provision, giving discretion to the Registrar, under clause 10 of the Bill?

Mr. N. Ramakrishna Pillai: In clause 10, it is not an amendment to the bye-law that is contemplated. But, here the amendment that is sought to be made is in the bye-law, by the general body of the society, and when the Registrar is satisfied that it is not contrary to the provisions of the Regulation, there is no reason why he shall refuse to register such amendments. It is with this object that I want to change the words "if he thinks fit" into "shall". I move this amendment for the acceptance of the House.

Mr. K. P. Nilakanta Pillai: I second the amendment. When a similar wording is found in clause 10, what is the object of having it in clause 12 also? Evidently the member in charge does not understand the effect of having similar wordings in clauses 10 and 12. Under clause 10, he may refuse the registration. In either case, there is an end of it. But so far as clause 12 is concerned, primary societies are expected to have their own bye-laws changed in a general body meeting.

Mr. M. N. Paramesvaran Pillai: May I know from the member.........

Mr. K. P. Nilakanta Pillai: The learned member could have spoken in support of the present provision, I do not understand why he should be putting questions like this. I know he is a competent speaker.

Mr. M. N. Paramesvaran Pillai: The object of putting questions is to elicit information.

Mr. K. P. Nilakanta Pillai I very much doubt that.

My point is this. When a primary society thinks it fit to change the bye-laws of that society it should be given complete autonomy to do that. Why should the Registrar be given powers either to respect or to refuse the change of the bye-laws of that primary society? If the primary society and the office bearers, who are responsible for the working of the society, meet in a general body in a constitutional manner, and in a manner in accordance with the provisions of this Regulation and the particular statute controlling the primary societies, why should further powers be vested with the Registrar to refuse or accept those bye-laws? That

is the question. Why should the Registrar be made to shoulder responsibility even in regard to the minutest details regarding the working of the society ? He may be allowed to use more time to lead the movement instead of going into the details with regard to the working of individual societies. He may be given more time and leisure to lead the movement. Therefore, to advance the activities of the movement, I think these words should be removed. With these words, I snpport the amendment.

Mr. Kayalam Paramesvaran Pillai: I oppose this amendment. At the very outset, it may be pointed out that this provision is exactly as it is found in the existing Regulation which has been with us for the last quarter of a century. That apart, such a provision is very essential in a law which deals with cooperative societies. As I said, it has been with us for more than a quarter of a century. A co-operative society is not a joint stock company. If any society wants to become a corporate body, it is perfectly open to its members to take advantage of the Joint Stock Companies Regulation ; but if they want to follow co-operative principles and get the advantages of such societies, it is necessary that they should be controlled by somebody who is conversant with the working of co-operative societies. As was pointed out by Mr. Paramesvaran Pillai, the power to register the bye-laws is with the Registrar even from the very beginning. When the bye-laws are not workable and do not confer sufficient scope for the advancement of the objects of co-operative principles, and the bye-laws have to be amended, what is the objection to confer necessary powers on the Registrar ? It is very necessary in the interests of co-operative societies.

Mr. M. N. Paramesvaran Pillai: May I know why this discretion is given to the Registrar?

Mr. Kayalam Paramesvaran Pillai: That is given as at the very outset. He has to consider whether the amendment to the bye-law would work well.

The amendment was put to vote and lost.

Mr. K. Madhavan Pillai: I demand a poll.

A poll was taken and the House divided as follows :

AYES—7.

1. Mr. M. Govindan	5. Mr. N. Ramakrishna Pillai
2. ,, K. Madhavan Pillai	6. ,, K. Padmanabha Panickar
3. ,, M. N. Narayana Menon	
4. ,, K. P. Nilakanta Pillai	7. ,, P. Padmanabhan Tampi

NOES—11.

1. Mr. V. S. Arumukham Pillai
2. ,, K. George
3. ,, M. Govinda Pillai
4. ,, K.N. Kesavan Namputiripad
5. Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai
6. Mr C. O. Madhavan
7. ,, Kayalam Paramesvaran Pillai
8. ,, K Paramesvara Panickar
9. ,, R. Pitchu Aiyangar
10. Rao Bahadur A. Rengasvami Aiyar
11. Mr. G. B. E. Truscott

NEUTRALS—3.

1. Mr. H. O. L. Marikar
2. ,, Syed M. Bava
3 Mr. M. N. Paramesvaran Pillai.

The amendment was declared lost, 7 voting for the amendment, 11 against and 3 remaining neutral.

The question that clause 12 do form part of the Bill was put to vote and carried.

The clause was added to the Bill.

Clause 13.

The question that clause 13 form part of the Bill was put to vote and carried.

The clause was added to the Bill.

Clause 14.

Mr. K. P. Nilakanta Pillai: Sir, I move that in clause 14 omit the word ' or ' at the end of sub clause (1) and the whole of sub clause (2).

After the amendment, clause (14) will read thus :—

"A special general meeting may be called at any time by a majority of the Committee and shall be called within one month on the requisition in writing of not less than one fifth of the members of the Society."

The object of moving this amendment is this. This provision interferes with the autonomy of the primary society. Of course, the members, if they feel that all is not well with the society, are entitled under this clause to call a meeting of the general body by one-fifth of the members making a requisition in writing to the Secretary or to any other office bearer of the society. And the Secretary or any other office bearer of the Society is bound to convene a meeting of the general body. Now, by sub-clause (2), even if the society finds that everything is right with it and even if the general body refuses to call together a meeting, the Registrar can say or order for a general body meeting to be held. For what purpose is this clause inserted, execept to enhance the rub between the Registrar on the one hand and the Managing Committee on the other? If the Registrar compels the general body ; then naturally, such uncalled for interference in the autonomy of the society will be resented by the Managing Committee. The natural reaction will

be that the Registrar will be forced to cancel the registration of the society to save his prestige. Therefore, instead of keeping up smooth working between the head of the department on the one hand and the primary society on the other, this will create a tug of war between them. Further, this power enables the Registrar to order a general body meeting being convened even if one fifth of the members do not want it. We can more or less understand the effect of that. There will be unnecessary complications and heart burning.

Mr. M. N. Paramesvaran Pillai : May I know what harm will be done in so calling together a meeting ?

Mr. K. P. Nilakanta Pillai : Nothing will be considered by the general body if it is convened by force by the Registrar. After all the Registrar can take the horse to water ; he cannot compel the horse to drink. Suppose the managing committee refuses to convene the meeting in spite of the Registrar's orders, then the next step to be taken by the Registrar will be the liquidation of the society. Sir, I put the question: can this in any way advance the interest of the society or retard it ?

Mr. M. N. Paramesvaran Pillai: If one-fifth of the members make a complaint that a society is mismanaged by the committee what is the remedy to safeguard the interests of the minority ?

Mr. K P. Nilakanta Pillai: After all, my friend seems to think that the primary society works in the interest of one member. No; that is not the case. A primary society works in the interest of all the members of that society.

Mr. Kayalam Paramesvaran Pillai : I hope that it would not work in the interests of the managing committee at any rate.

Mr. K. P. Nilakanta Pillai : If even one-fifth of the members is not dissatisfied with the working of the managing committee why should the Registrar call together a general body meeting ?

Mr. M. Govinda Pillai: May I inform the member that the Registrar has been exercising this authority for the past twenty years and more.

Mr. K. P. Nilakanta Pillai : That is no reason why he should not part with that pernicious authority now. Because a man has been exercising questionable powers for years, why he should be allowed to continue to possess it. This clause, if it is to remain a dead letter in the statute I have no objection. Then if the Registrar should never want to resort to that power, why should

[Mr. K. P. Nilakanta Pillai]

that provision be included in the Bill? There was no necessity for that. If there is no necessity for this clause why should we have it. Sir, legislation is not for satisfying the vanity of an individual. If that power is not taken away it will create unnecessary bickerings between the members on the one hand and the head of the administration on the other. If one-fifth of the members do not want to convene a meeting, then the Registrar at the instance of a single individual, can call together a general body meeting. What is the result? Liquidation of the society. Though the power may seem to be innocent, it is very poisonous.

Mr. M. N. Paramesvaran Pillai: Suppose one-fifth of the members make a requisition to the managing committee to hold a general body; and even then the managing committee refuses to do so, then what is the remedy?

Mr. K. P. Nilakanta Pillai: Sir, I am not going to answer that now. What I say is that, in spite of the sentiments of the general body to the effect that there is no necessity to hold a general body why should a general body be compelled to hold a meeting? The result will be non-co-operation with the head of the Co-operative Department, and that will only hinder the working of the society and thus retard the progress of the movement. Then, the only course left to the Registrar is to cancel the society after liquidating it. Why should there be disunion in the society itself if proper control and friendly advice is given by the Registrar? Therefore, we must take all possible care to see that there may not be difference of opinion between the managing committee and the general body. By the provision of the Bill our aim must be further to help the working of the primary societies. But this clause gives some extraordinary powers to the Registrar only to interfere with the smooth working of primary societies. I have tried to present a small picture of the state of things that may follow. You are going to give the Registrar a power which he says he will not use. Then why should he be given that power? From a suggestion from the Registrar I understand that he has never resorted to these powers.

Mr. M. Govinda Pillai: I never said that that power has not been resorted to by me, but I said that I have had recourse to that power only on occasions only at the explicit request of the members.

Mr. K. P. Nilakanta Pillai: That all the more strengthens my argument. The existing condition is that one party of members sides with the Registrar and another party sides with the managing committee and a tug of war ensues. As a result of

such qu rels, a very large number of societies have been ruined. With these words I appeal to the House to accept my amendment.

Mr. M. N. Narayana Menon; I second it.

Mr. Kayalam Paramesvaran Pillai: Sir, I rise to oppose this amendment. I wonder who will be the aggrieved party if power given to the Registrar by this clause is exercised. Whenever the Registrar calls together a general body meeting the meeting should be held. That is all that this clause requires. I appeal to the honourable members to ponder over this point for a moment and find out who the aggrieved party is when any such action is taken. The only party aggrieved by this clause is the committee of management who wants to purloin the assets of the society. I entirely agree with Mr. Nilakanta Pillai in saying that we can take the horse to the water but cannot make it drink. But my friend will not allow the horse even to be taken to the water. I only want it to be taken to the water, which perhaps a scheming secretary or other office-bearer, would not allow. Sir, I oppose this amendment.

The amendment was put to the vote of the House and lost.

The question that clause 14 do stand part of the Bill was then put to the vote of the House and carried.

The clause was added to the Bill.

The Council adjourned at 4·30 P. M.

P. PARAMESVARAN PILLAI,
Secretary to the Sri Chitra State Council.

PROCEEDINGS
of
THE TRAVANCORE SRI CHITRA STATE COUNCIL.

(*OFFICIAL REPORT.*)

FIRST COUNCIL.

VOLUME IX—NUMBER 7.

NINTH SESSION—1937-1112.

Tuesday, the 16th March, 1937/3rd Meenam, 1112.

The Council met in the Victoria Jubilee Town Hall at Eleven of the Clock, with Sachivottama Sir C. P. Ramaswami Aiyar, K. C. I. E., Dewan-President, in the Chair.

MEMBER SWORN.

Mr. C. Kumara Das, B. A., M. Sc., Director of Industries, took the oath and signed the Rolls.

QUESTIONS AND ANSWERS.

Repayment of the amounts deposited by parties.

126. **Mr. J. John Kattakayam** (*Muvattupuzha* cum *Todupuzha*): Will the Government be pleased to state:

(*a*) whether the money deposited by parties in any department whatsoever in relation to their cases is returned to them in case proceedings are not duly gone through; and

(*b*) whether such money usually reaches the hands of vakils and whether till steps due are taken the parties have to pay money again and again for the same purpose?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai (*Chief Secretary to Government*): (*a*) Yes. Such deposits are received and returned in the Judicial Department and departments like Revenue, Registration, etc., in pursuance of the orders of the officers authorised in this behalf.

(*b*) The refunds are made to parties or to their authorised vakils. Government are not aware of cases where parties have been called upon to pay money again and again for the same purpose.

G. P. T. 2585 350.

Anantha Victoria Martandavarma Canal.

127. **Mr. J. John Kattakayam**: Will the Government be pleased to state:

(*a*) whether the Anantha Victoria Martandavarma canal now extends in good condition from Trivandrum to Tiruvallam;

(*b*) whether it is now being used from Poovar to Thengapattanam;

(*c*) whether there is any change in the lie of the canal;

(*d*) whether Government are not incurring an expenditure of about two lakhs of rupees for the transport of salt to North Travancore and other places from Tamarakulam;

(*e*) whether the Development Board has recorded their opinion regarding the necessity of making the canal useful; and

(*f*) whether the representatives of the people have moved Government for taking the necessary action in the matter?

Mr. G. B. E. Truscott (*Chief Engineer, Roads, Buildings and Irrigation*): (*a*) The canal from Kalpalakadavu to Tiruvallam is in good condition.

(*b*) Yes.

(*c*) Yes.

(*d*) Not even half of it during the last four years.

(*e*) Yes.

(*f*) Yes.

Mr. J. John Kattakayam: പാർട്ട് ഡി. എക്കണോമിക്ക് ഡവലപ്പ്മെൻറു ബോർഡു ചെയ്ത ശുപാർശയിന്മേൽ എന്തുകൊണ്ടാണു ഗവണ്മെൻറു നടപടി നടത്താത്തതെന്നു മെമ്പർക്കു പറയാമോ?

Mr. G. B. E. Truscott: Because the expense is considered ever so much too high for the benefits that would result.

Mr. J. John Kattakayam: പകുതി പണംപോലും ചെലവായിട്ടില്ലെന്നാണു പറയുന്നതു്. എന്നാൽ ചെലവായ തുക എത്രയാണെന്നു പറയാമോ?

Mr. G. B. E. Truscott: It was not found necessary.

Mr. J. John Kattakayam: സർവപ്രധാനമായിട്ടുള്ള ഈ ചാനൽ തുറക്കണമെന്നും എക്കണോമിക്ക് ഡവലപ്പുമെൻറു ബോർഡു് ശുപാർശ ചെയ്യുകയും പൊതുജനങ്ങൾ അപേക്ഷിക്കയും ചെയ്തിട്ടും അതിൻെറ നടപടി തുടരുവാൻ കാലതാമസം എന്താണെന്നു മെമ്പർക്കു പറയാമോ?

M. G. B. E. Truscott: I claim notice.

Prohibition of prayer in schools.

128. ***Mr. J. John Kattakayam**: Will the Government be pleased to state:

(*a*) whether they have issued orders prohibiting the conduct of prayers and worship in schools during holidays;

(*b*) whether it has been ordered that schools should not be conducted in places where separate arrangements have been made for worship and prayer;

(*c*) the reasons for the direction in the orders that such institutions should be shifted within a period of three years; and

(*d*) whether schools are being conducted in shrines?

Mr. C. V. Chandrasekharan (*Director of Public Instruction*): (*a*), (*b*) (*c*), and (*d*) Attention is invited to the G. O. R. O.C. No. 3574 of 36/Edn., dated 23-11-1936, published on pages 319 to 322 of Part I of the Travancore Government Gazette, dated 24-11-1936.

Mr. J. John Kattakayam: ഈ നിരോധന ഉത്തരവുണ്ടാകാനുള്ള കാരണമെന്താണ്?

Mr. C. V. Chandrasekharan: இதற்கு முன் கௌன்ஸிலில் கூடின பொழுது மேன்மை பொருந்திய மெம்பர் இதே விஷயத்தைப் பற்றிக் கேட்டார். அப்பொழுது, நான் அந்த ஸர்க்கார் உத்தரவைப் படித்துப் பார்த்தால் விளங்கும் என்று சொன்னேன். இதுவரை மெம்பர் அந்த உத்தரவைப் படித்துப் பார்க்கவில்லையென்பதைக் குறித்து ஆச்சரியப் படுகிறேன்.

Mr. J. John Kattakayam: ഇങ്ങനെ ഒരു ആർഡർ ഉണ്ടാകാനുള്ള കാരണമെന്താണ്?

Mr. C. V. Chandrasekharan: அதெல்லாம் அந்த ஆர்டரில் விவரமாக சொல்லியிருக்கிறது. ஆர்டரை வாசித்துப் பார்த்தால் விளங்கும்.

Mr. J. John Kattakayam: അതെന്താണെന്നുള്ള സംഗതി വ്യക്തമാക്കാൻ ദയവുണ്ടാകുമോ?

Mr. C. V. Chandrasekharan: மேன்மை பொருந்திய மெம்பர் அந்த உத்தரவை வாசித்துப் பார்த்தால் தெரியவரும் என்று சொன்னேனே.

Mr. J. John Kattakayam: അങ്ങിനെ ഒരു ഗവർമെൻറാർഡർ ഉണ്ടാകാനും അതു ക്യാൻസൽ ചെയ്യാനുമുള്ള കാരണമെന്താണ്?

Mr. C. V. Chandrasekharan: அவையெல்லாம் அந்த ஆர்டரில் விவரிக்கப்பட்டிருக்கின்றன.

Mr. J. John Kattakayam: അതെന്തുകൊണ്ടു ഇവിടെ പറയുവാൻ പാടില്ലെന്നാണ് ഞാൻ ചോദിക്കുന്നതു്?

Complaint regarding certain Assistant Inspectors of Schools.

129. ✻ **Mr. J. John Kattakayam** : Will the Government be pleased to state :

(*a*) whether some Assistant Inspectors are making appointments and transfers, having given themselves up to immoral practices ;

(*b*) whether the attention of the Director of Public Instruction has been drawn to this matter ;

(*c*) whether the Director of Public Instruction has called for explanations of certain Assistant Inspectors in regard to this ;

(*d*) if so, whether they will lay on the table a statement showing the names of those Assistant Inspectors from whom explanations have been called for and reasons therefor ; and

(*e*) whether the Director of Public Instruction has given them exemplary punishments ?

Mr. C. V. Chandrasekharan : (*a*) No.

(*b*), (*c*), (*d*) and (*e*) These questions do not arise in view of the answer to part (*a*).

Opening a road from the Karukutty market to Ezhattumukham.

130. ✻**Mr. G. Narayana Aiyar** (*Kunnatnad* cum *Parur*) : Will the Government be pleased to state :

(*a*) whether they have received a memorial, dated the 1st January 1936, from the inhabitants of Kunnatnad taluk praying for the opening of a road from the public market at Karukutty to Ezhattumukham ;

(*b*) if so, what action has been taken by the Government in the matter ; and

(*c*) what will be the length of such road ?

Mr. G. B. E. Truscott : (*a*) A memorial dated 31-1-1936 was received.

(*b*) A preliminary report has been received from the Chief Engineer.

(*c*) Nearly 7 miles.

Mr. G. Narayana Aiyar : With reference to the answer to part (*b*), may I know when the report was received from the Chief Engineer ?

Mr. G. B. E. Truscott : In the beginning of this year.

Mr. G. Narayana Aiyar : May I know whether the Chief Engineer has reported that the opening of the road is necessary ?

Mr. G. B. E. Truscott: Communications between Government and their officers are confidential until the Government pass orders.

Mr. G. Narayana Aiyar: May I know whether the Conservator of Forests was addressed in the matter as to the necessity for the road?

Mr. G. B. E. Truscott: I do not think he was addressed.

Mr. G. Narayana Aiyar: May I know whether the Conservator of Forests did not report that the opening of the road was highly necessary for the transport of timber from the Ezhattamukhom Reserve?

Mr. G. B. E. Truscott: Very possibly he has, I have no information about it now.

Mr G. Narayana Aiyar: May I know whether an estimate has been prepared to construct the road?

Mr. G. B. E. Truscott: A rough estimate of cost has been submitted to Government.

Mr. G. Narayana Aiyar: May I know the expenditure that will be necessary?

Mr. G. B. E. Truscott: About Rs. 5,000 excluding the land acquisition charges.

President: The Chief Engineer has given practically all the information that Mr. Narayana Aiyar has asked for; and he said that the correspondence was confidential (*Laughter.*)

Mr. G. Narayana Aiyar: Has the Chief Engineer inspected the road?

Mr. G. B. E. Truscott: No, Sir.

St. Paul's School at Mazhuvannoor.

131. ***Mr. G. Narayana Aiyar:** Will the Government be pleased to state:

(*a*) whether they have allowed the authorities of the St. Paul's School at Mazhuvannoor to open the 3rd class and when was such sanction given;

(*b*) whether it is a fact that the Sarasvathi Vilasam School in Mazhuvannoor has Clauses 1 to 4 and how long it is that all the four classes were in existence in that school;

(*c*) what will be the distance between the Sarasvathi Vilasam School and the St. Paul's School; and

(*d*) whether it is a fact that the Government had withdrawn the grant to the St. Pauls School on the ground of the existence of the Sarasvathi Vilasam School close by with four classes, when such sanction was withdrawn and what are the grounds for sanctioning the grant again?

Mr. C. V. Chandrasekharan : (*a*) Yes. In the school year 1935-36. The class was opened on 6-12-1110.

(*b*) Yes from 1-12-1110.

(*c*) 3/4 mile.

(*d*) Yes ; from the end of the school year 1933-34. It was considered fair to permit the school to continue and to restore its grant and the grant was restored from the beginning of the financial year 1110.

Mr. G. Narayana Aiyar : With reference to answer to part (*d*), may I know whether the granting of permit to the school is not opposed to the principle of overlapping of schools, advocated by the Education Reforms Committee ?

Mr. C. V. Chandrasekharan : There is no doctrinaire principle of overlapping. Each case is considered on its merits.

Courts inspected during the last three years and the expenditure therefor.

132. * **Mr. M. N. Paramesvaran Pillai** (*Municipal Councils*) : Will the Government be pleased to furnish information regarding :

(*a*) the courts inspected by the Judges of the High Court during the last three years, the dates of such inspection and the results thereof ;

(*b*) the expenditure incurred for each of such inspection; and

(*c*) the total annual expenditure for the last three years for the purpose ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai :

(*a*) and (*b*) A *statement furnishing the information required is laid on the table.

The inspection made have produced satisfactory results.

(*c*) Rs. 6,657-14-12.

Mr. M. N. Paramesvaran Pillai : May I know whether there are any Village Panchayat Courts which have not been inspected by the Judges of the High Court for the last three years?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : A list of the Courts inspected is given in the answer. I believe there are Village Panchayat Courts which have not been inspected during the last three years.

Mr. M. N. Paramesvaran Pillai : May I know why they were not inspected ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : There are about 22 Village Panchayat Courts. It may not be possible for the High Court Judges to inspect all of them every year. They did inspect some.

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* *Vide* appendix I.—pages 504 to 507

Mr. M. N. Paramesvaran Pillai: May I know whether there is any objection to District Judges being allowed to inspect the Village Panchayat Courts in their jurisdiction?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: That is a matter for consideration.

Government officers as members of non-official committees in Trivandrum.

133. **Mr. M. N. Paramesvaran Pillai:** Will the Government be pleased to furnish information on the following points:

(*a*) whether the Government officers have served as members in committees organised in Trivandrum by the public during the last 3 years, and, if so, whether they had the permission of Government to do so;

(*b*) whether previous sanction of Government is necessary of their officers to serve as members in such committees;

(*c*) whether the Government have made any grant contribution or donation to any of those committees, and, if so, what is the amount given to each;

(*d*) whether the Government had any control over the finances, the working, etc., of such committees, and, if so, whether the accounts of such committees have been checked by any recognised auditors;

(*e*) whether any accounts have been rendered to Government or to the public by such committees;

(*f*) whether the Government have ascertained if any of those committees had any surplus funds in their hands, and, if so, what they have done with such funds;

(*g*) whether the Government or their officers who served in such committees make themselves liable for misappropriation of funds, if any, or for non-rendering of accounts; and

(*h*) whether Government service has in any way suffered as the result of their officers having been allowed to take part as active members in non-official committees?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai:

(*a*) to (*h*) No statistics are maintained by Government of committees organized by the public.

Mr. M. N. Paramesvaran Pillai: The answer given is no answer to my question at all. I never wanted statistics regarding the committees organised by the public. I only wanted to know whether Government Officers have taken part in committees organised by the public. As a member of this House, I am entitled to get that information. With reference to parts (*a*), (*b*) and (*c*), it is the duty of Government to enquire whether their officers took part in ch committees.

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: To answer the question fully statistics relating to the committees have to be collected. Government do not maintain accounts of these committees and it is not possible to collect information on the various points raised in the question.

Mr. M N. Paramesvaran Pillai: May I know whether any of the Government Officers have taken part in such committees?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: They might have.

Mr. M. N. Paramesvaran Pillai: In that case, may I know whether they had the sanction of Government?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: If sanction of Government, to serve on such committees, was necessary such sanction would have been taken.

Mr. M. N. Paramesvaran Pillai: May I know whether contributions have been made by Government servants to such committees?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pilla: I cannot answer that question off-hand.

President: I quite realise the difficulty of the Honourable member. But the answer would probably have been more readily furnished if one or two instances had been furnished and questions started on their basis. These general questions give rise to the possibility of general answers which may not be satisfactory to either side.

Mr. M. N. Paramesvaran Pillai: It was not possible for me to know in what all cases Government Officers had taken part; hence my question.

President: Even one case?

Mr. M. N. Paramesvaran Pillai: I have fixed a definite period so that the information might be collected.

Second Grade Graduate teachers.

134. ***Mr. M. N. Paramesvaran Pillai:** Will the Government be pleased to furnish a statement containing the following information:

(*a*) the names of second grade graduate teachers employed in the Education Department since 1100 and their respective pay;

(*b*) the names of those who were confirmed, the dates of such confirmation and their respective total service;

(*c*) the names of those who have not been confirmed till now (25-3-1112), their respective pay and total service;

(*d*) the pay fixed for these teachers under the Standardisation Scheme; and

(e) the names of second Grade Graduate Teachers in the Education Department who have acted in permanent vacancies for not less than one year on 31-10-1110.

Mr. C. V. Chandrasekharan: (a), (b), (c) and (e). Presuming that the question refers to the old Second Grade, *statements furnishing the information are placed on the table.

(d) The pay of the teachers has not been definitely fixed.

Mr. M. N. Paramesvaran Pillai: May I know why persons with less service were preferred for confirmation ?

Mr. C. V. Chandrasekharan: Partly on account of the rules laid down by the Public Service Commissioner and partly on account of the standardisation rules.

Mr. M. N. Paramesvaran Pillai: May I know whether the Public Service Commissioner has issued any rules that persons with longer service need not be confirmed while persons with less service are confirmed.

Mr. C. V. Chandrasekharan: The longer service may not be continuous, and the shorter may be continuous. It will also be seen that no confirmation has taken place since 1-8-1110.

Inspection of Village Panchayat Courts.

135. *** Mr. K. Sankaralingam Pillai** (*Kottarakara and Pattanapuram* cum *Shencotta*): Will the Government be pleased to state:

(a) whether High Court Judges are in the habit of inspecting Village Panchayat Courts ;

(b) if so, how many courts were inspected in the years 1110 and 1111 respectively ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: (a) Yes, occasionally.

(b) 1110 ... 2
1111 ... 1

Mr. K. Sankaralingam Pillai: May I know whether any complaints have been received regarding the working of the courts ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: As far as I remember, no.

Dismissal of teachers from private recognised schools.

136. *** Mr. V. S. Arumukham Pillai** (*Tovala* cum *Agastisvaram*): Will the Government be pleased to state:

(a) whether there is a provision in the Education Code to the effect that no licensed teacher may be dismissed from the service of a private recognised school except on reasonable grounds ;

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*Vide Appendix II—Pages 508 to 514.

[Mr. V. S. Arumukham Pillai.]

(*b*) whether the London Mission V. M. School for boys at Martandam is a private recognised school ;

(*c*) whether complaints have been received against the manager of the above school of gross breaches of Rule 60 of the Education Code ;

(*d*) if so, how many complaints have been received hitherto and how many have been disposed of ;

(*e*) whether women teachers have been dismissed from service by the manager of the above school on the ground that they have entered into legal marriages ; and

(*f*) whether married women teachers employed in service have been dismissed from service for applying for maternity leave ?

Mr. C. V. Chandrasekharan : (*a*) Yes.

(*b*) Yes.

(*c*) Yes.

(*d*) Three complaints ; all of them were disposed of.

(*e*) Yes.

(*f*) Yes.

Mr. V. S. Arumukham Pillai: With reference to answer to part (*d*), may I know the nature of the complaints, and how they were disposed of ?

Mr. C. V. Chandrasekharan : That their services were terminated because they got married or applied for maternity leave.

Mr. V. S. Arumukham Pillai : May I know whether there is any rule restraining women from getting married ?

Mr. C. V. Chandrasekharan : There is an old Mission Rule that any person who gets married will have her services terminated.

Mr. V. S. Arumukham Pillai : May I know whether married women have been entertained in departmental schools ?

Mr. C. V. Chandrasekharan : Yes.

Mr. V. S. Arumukham Pillai : If there is such a rule as the one mentioned by the honourable member, why is it that married women are entertained in departmental schools ?

Mr. C. V. Chandrasekharan : The rule is enforced in the schools conducted by the L. M. S. Unfortunately there is no such rule in departmental schools.

Reduction of the rate of interest on the loans issued by the land mortgage Bank.

137. * **Mr. M. N. Narayana Menon** (*Kottayam*): Will the Government be pleased to state whether they propose to reduce the rate of interest in the Land Mortgage Bank in accordance with the needs of the times ?

Rao Bahadur A. Rengasvami Aiyar *(Financial Secretary to Government)* : The question of reduction of the rate of interest on loans issued from the State Land Mortgage Bank is under the consideration of the Board of Management.

Reorganisation of the Ayurveda Department.

138. ***Mr. M.N. Narayana Menon**: Will the Government be pleased to state :

(*a*) how many years it is since the Ayurveda Department was established in Travancore ;

(*b*) whether they have any scheme before them to reorganise the department, in accordance with the needs of the times ; and

(*c*) whether they contemplate the appointment of a Director as the Head of the Ayurveda Department?

Mr. K. Paramesvara Panickar *(Ag. Secretary to Government)* : (*a*) Forty-seven years.

(*b*) No.

(*c*) No.

Mr. S. Piraviperumal Pillai *(Commerce and Industry, South)* : May I know whether this department was under a Director ?

Mr. K. Paramesvara Panickar : Yes.

Mr. S. Piraviperumal Pillai : For how many years was it under the Director ?

Mr. K. Paramesvara Panickar : For over 10 years.

Mr. S. Piraviperumal Pillai : When was the Director's post abolished ?

Mr. K. Paramesvara Panickar : In 1107, I believe.

Mr. S. Piraviperumal Pillai : May I know why Government have not appointed a Director after that and why Government do not contemplate appointing one ?

Mr. K. Paramesvara Panickar : It was not possible to find a proper person for the post.

Mr. S. Piraviperumal Pillai : Are the Government aware that, on account of the fact that there is no proper person to control its destinies, the department is not going on well ?

Mr. K. Paramesvara Panickar : Government do not think so.

Mr. S. Piraviperumal Pillai : If a proper person to be the Director could not be found out, may I know who is now controlling the destinies of the department ?

Mr. K. Paramesvara Panickar: The Department is under the control of two Officers, the Inspector of Ayurveda and the Principal of the Ayurveda College.

Mr. S. Piraviperumal Pillai: Is it the opinion of Government that dual control will be satisfactory?

Mr. K. Paramesvara Panickar: It is a matter of opinion.

Mr. S. Piraviperumal Pillai: What is the opinion of Government about this matter?

Mr. K. Paramesvara Panickar: Their functions are separate and their work is divided.

Mr. S. Piraviperumal Pillai: What was the work of the Director, and how has it been divided.

Mr. K. Paramesvara Panickar: A perusal of the Administration Report will give the information required by the honourable member.

Mr. S. Piraviperumal Pillai: May I know who is now doing the inspection work?

Mr. K. Paramesvara Panickar: The Inspector of Ayurveda.

Mr. S. Piraviperumal Pillai: May I know what his qualifications are?

Mr. K. Paramesvara Panickar: I claim notice.

Mr. S. Piraviperumal Pillai: May I know who was doing the work at the time when the department was under the control of a Director?

Mr. K. Paramesvara Panickar: The work was done partly by the Inspector and partly by the Director.

Mr. S. Piraviperumal Pillai: Does this Inspector possess the same qualifications, and is he as capable as the Director, for doing this work?

Mr. K. Paramesvara Panickar: It is a matter of opinion.

Mr. S. Piraviperumal Pillai: Is he called 'Inspector' because Government have abolished the post of Director?

Mr. K. Paramesvara Panickar: I have only to repeat my answer that it is a matter of opinion.

Mr. S. Piraviperumal Pillai: Are the Government now satisfied that the department is being controlled properly now?

Mr. K. Paramesvara Panickar: Exactly, that is the opinion of Government.

Village Panchayats in Travancore.

139. *** Mr. M.N. Narayana Menon**: Will the Government be pleased to state:

(*a*) the number of Village Panchayats in Travancore; and

(*b*) whether there is any scheme before the Government for increasing the Village Panchayats and making them efficient?

Mr. K. Paramesvara Panickar: (*a*) Seven.

(*b*) Yes.

Mr. G. Narayana Aiyar: May I ask whether the Government have not received a copy of the resolutions passed at a meeting held in the Vengur pakuthi in the Kunnatnad taluk, praying for the establishment of panchayts?

Mr. K. Paramesvara Panickar: I claim notice.

Mr. G. Narayana Aiyar: May I know whether Government have received any memorial or resolutions praying for the establishment of more Panchayats?

Mr K. Paramesvara Panickar: Yes.

Mr G. Narayana Aiyar: What is the number of memorials received?

Mr. K. Paramesvara Panickar: It is not possible to give the number.

Mr. G. Narayana Aiyar: May I know when such memorials were received?

Mr. K. Paramesvara Panickar: It is not possible to give an off hand answer.

Control of traffic in Travancore.

140. *** Mr. M. N. Narayana Menon**: Will the Government be pleased to state:

(*a*) the nature of the scheme they propose to introduce for the control of traffic in Travancore;

(*b*) whether the passenger buses now start and arrive at fixed times; and

(*c*) whether the Government have any objection to substitute standard timings for the local timings prescribed for the traffic buses?

Mr. R. Pitchu Aiyangar (*Commissioner of Police*): (*a*) No scheme is under consideration just at present.

(*b*) Yes.

(*c*) Will be considered.

Appendix I.

Vide Answer to Question No. 132.

Statement showing the names of the Courts inspected by the Judges of the High Court during 1109, 1110 and 1111 M E., the dates of such inspection and the expenditure incurred therefor.

Name of the Court inspected	Date or period of Inspection.		Expenditure incurred under travelling allowance (including establishment).		
	From	To			
1109 M. E.			Rs.	ch	c.
District Court, Kottayam ...	27-2-1109	29-2-1109	159	21	4
Village Panchayat and Bench Magistrates' Court, Trivandrum...	3-4-1109	5-4-1109	0	0	0
Munsiff's Court, Nedumangad ...	16-7-1109	...	103	7	2
District and Second Judge's Courts Parur ...	16-7-1109	17-7-1109	257	10	0
Village Panchayat and Bench Magistrates' Court, Kottayam ...	20-7-1109	...			
Stationary Magistrate's Court, Kottayam ...	20-8-1109	...			
Munsiff's Courts, Kottayam ...	20-8-1109	24-8-1109			
Stationary Magistrate's Court, Ponkunnam ...	21-8-1109	...			
Munsiff's Court, Perumbavur and First Class Magistrate's Court, Perumbavur ...	30-8-1109	2-9-1109	590	0	15
Munsiff's Court, Tiruvalla ...	3-9-1109	7-9-1109			
Stationary Magistrate's Court, Kayancolam ...	5-9-1109	...			
Taluk Magistrate's Court, Tiruvalla..	7-9-1109	...			
Taluk Magistrate's Court, Pathanamthitta ...	7-9-1109	...			
Village Panchayat and Bench Magistrates' Court, Neyyattinkara ...	9-9-1109	10-9-1109			
Principal and Additional Munsiffs' Courts, Nagercoil ...	11-9-1109	16-9-1109			
Munsiff's Court, Kuzhithurai ...	17-9-1109	20-9-1109	369	15	1
Do. Chengannur ...	22-9-1109	25-9-1109			
Principal and Additional Munsiffs' Courts, Alleppey ...	26-9-1109	31-9-1109			
Stationary Magistrate's Court, Alwaye ...	1-10-1109	2-10-1109			
Munsiff's Court, Thodupuzha ...	3-10-1109	5-10-1109			
Do. Meenachil ...	6-10-1109	10-10-1109	555	19	10
Do. Haripad, and Village Panchayat Court Haripad ...	11-10-1109	17-10-1109			

Appendix I—(*contd.*)

Name of the Court inspected	Date or period of inspection.		Expenditure incurred under travelling allowance (including establishment)		
	From	To	Rs.	ch	c.
Stationary Magistrate's Court, Shertallai ...	15-10-1109	...			
Munsiff's Court, Kottarakara ...	17-10-1109	21-10-1109			
Village Panchayat and Bench Magistrates' Court, Padmanabhapuram ...	1-11-1109	2-11-1109	59	27	0
Total ...	...	...	2,095	17	0
1110 M. E.					
Stationary Magistrate's Court, Attingal ...	13-3-1110	...			
Do. Kayancolam ...	14-3-1110	...			
Taluk Magistrate's Court, Vaikam ...	15-3-1110	...			
Principal and Temporary Munsiffs' Courts Do ...	Do.				
Village Panchayat Court, Vaikam ...	16-3-1110	...	185	1	3
Division First Class Magistrate's Court, Chengannur ...	17-3-1110	...			
Stationary Magistrate's Court, Chengannur ...	17-3-1110	...			
Principal and Additional Munsiffs' Courts, Alleppey ...	30-4-1110	4-5-1110	227	17	8
Stationary Magistrate's Court, Ponkunnam ...	5-5-1110	...			
Principal and Additional Munsiffs' Courts, Padmanabhapuram ...	19-8-1110	23-8-1110			
Munsiff's Court, Karunagapalli ...	24-8-1110	25-8-1110			
Do. Shertallai ...	27-8-1110	30-8-1110	551	15	8
Do. Parur ...	31-8-1110	3-9-1110			
Do. Kanjirapalli ...	4-9-1110	8-9-1110			
Taluk Magistrate's Court, Peermade.	6-9-1110	...			
District and Second Judges' Courts, Nagercoil ...	9-9-1110	13-9-1110			
Munsiff's Court, Mavelikara ...	15-9-1110	17-9-1110			
Principal and Temporary Munsiffs' Courts, Vaikam ...	18-9-1110	23-9-1110	566	9	4
First Class Magistrate's Court, Perumbavur ...	23-9-1110	4-9-1110			
Munsiff's Court, Changanachery ...	25-9-1110	27-9-1110			

Appendix I—(*contd*)

Name of the Court inspected.	Date or period of inspection.		Expenditure incurred under travelling allowance (including establishment).		
	From	To	Rs.	ch	c.
Munsiff's Court, Muvattupuzha ...	30-9-1110	2-10-1110			
Village Panchayat and Bench Magistrate's Court, Tiruvalla ...	3-10-1110	4-10-1110			
Munsiff's Court, Krishnapuram ...	5-10-1110	8-10-1110			
Division First Class Magistrate's Court, Alleppey ...	7-10-1110	...	449	15	10
Taluk Magistrate's Court, Pathanapuram ...	9-10-1110	10-10-1110			
Munsiff Magistrate's Court, Shencottah ...	11-10-1110	16-10-1110			
Munsiff's Court, Nedumangad ...	17-10-1110	18-10-1110			
Total ...	...	...	1,980	3	1
1111 M. E.					
District and Second Judges' Courts, Alleppey ..	26-2-1111	28-2-1111	147	14	13
Munsiff's Court, Tiruvalla ...	5-2-1111	6-2-1111	116	17	8
Do. Chengannur ...	7-2-1111	8-2-1111			
Munsiff-Magistrate's Court, Thodupuzha ...	2-3-1111	4-3-1111			
Stationary Magistrate's Court, Ettumanur ...	4-3-1111	...	186	24	5
District Court, Parur ...	23-3-1111	24-3-1111			
Stationary Magistrate's Court Alwaye ...	23-3-1111	...	235	10	4
Munsiff's Court, Pathanamthitta ...	25-3-1111	26-3-1111			
Munsiff's Court, Meenachil ...	19-4-1111	21-4-1111	261	2	0
Do. Perumbavur ...	21-4-1111	23-4-1111			
Additional Munsiff's Court, Attingal	3-5-1111	4-5-1111	37	14	0
Temporary Second Judge's Court, Nagercoil ...	24-7-1111	...	69	0	0
District Munsiff's Court, Nedumangad ...	1-8-1111	...	22	0	0
Taluk Magistrate's Court, Tiruvalla	17-8-1111	...			
District Munsiff's Court, Haripad ...	18-8-1111	20-8-1111			
District and Second Judges' Courts, Alleppey ...	21-8-1111	24-8-1111			
District Munsiff's Court, Shertallai.	25-8-1111	26-8-1111			
Taluk Magistrate's Court, Do ...	27-8-1111	...	533	9	7

Appendix I—(*concld.*)

Name of the Court.	Date or period of inspection.		Expenditure incurred under travelling allowance (including establishment.)		
	From	To.	Rs.	ch	c.
District and Second Judges' Courts, Kottayam ...	28-8-1111	4-9-1111			
First Class Magistrate's Court, Poonjar ...	5-9-1111	...			
Taluk First Class Magistrate's Court, Peermade ...	6-9-1111	7-9-1111			
Principal and Additional Munsiffs' Courts, Nagercoil ...	8-9-1111	11-9-1111			
Village Panchayat Court, Colachel ...	12-9-1111	...			
Second Class Magistrate's Court, Kuzhithurai ..	10-9-1111	...			
Stationary Magistrate's Court, Kottar ...	8-9-1111	...			
District and Second Judges' Courts, Quilon ...	13-9-1111	17-9-1111			
Munsiff's Court, Mavelikara ...	18-9-1111	20-9-1111	438	2	8
Magistrate's Court Chengannur ..	21-9-1111	23-9-1111			
Taluk Magistrate's Court, Pathanamthitta ...	23-9-1111	...			
Munsiff's Court, Adoor, and Taluk Magistrate's Court, Kunnathur ...	24-9-1111	28-9-1111			
Taluk Magistrate's Court, Pathanapuram ...	25-9-1111	...			
Stationary Magistrate's Court, Muvattupuzha ...	29-9-1111	...			
Munsiff-Magistrate's Court, Devicolam ...	31-9-1111	.-10-1111			
First Class Magistrate's Court, Perumbavur ...	3-10-1111	4-10-1111			
Principal Munsiff's Court, Attingal and Stationary Magistrate's Court Attingal	9-10-1111	11-10-1111	534	11	14
Munsiff's Court, Parur and Taluk Magistrate's Court, Parur ...	5-10-1111	7-10-1111			
District Court, Second Judges' Courts and Magistrate's Court, Trivandrum ...	13-10-1111	17-10-1111			
Stationary Magistrate's Court, Neyyattinkara ...	12-10-1111	...			
Total ...	...	...	2,581	22	11

Appendix II

Vide Answer to Question No 134.

PART (*a*),

Statement showing the names of Second Grade teachers employed in the Education Department since 1100 and their respective pay.

No.	*Name.*		*Pay Rs.*	
1.	P. S. Abraham	...	120	
2.	P. E. Chakko	...	65	
3.	P. G. Ranga Iyer	...	95	
4.	N. Bhaskara Iyer	...	80	
5.	V. Subramonia Iyer	...	65	
6	V. Ramaswami Iyer	...	95	
7.	K. Harihara Iyer	...	65	
8.	K. Govindan Nair	...	75	
9.	A. Padmanabhan	...	70	
10.	W. V. Abraham	...	65	
11.	K. Velu Nair	...	85	
12.	K. C. Nilacanta Varier	...	65	
13.	A. Mahomed Kunju	..	120 + 5	
14.	M. K. Thomas	...	65	
15.	D. K. Damodaran Kartha	...	50	
16.	M. Ganapathi Iyer	...	65	
17.	James Samuel	...	60	
18.	A. Veeramony Iyer	...	60	
19.	P. Ramakrishnan Nair	...	60	
20.	K. R. Raja Raja Varma	...	60	
21.	K. C. Thomas	...	60	
22.	T. Gopala Pillai	...	60	
23.	P. A. Sankara Pillai	...	60	
24.	P. V. Abraham	...	A. A. 40	
25.	P. Joseph	...	40	
26.	M. K. Raman Pillai	...	40	
27.	John M. John	...	40	
28.	S. Moses	...	40	
29.	C. Cheriyan	...	40	
30.	V. K. Rama Varma Thirumulpad	...		Not now employed
31.	V. Ninan	...	40	
32.	K. M. Koshi	...	40	
33.	M. K. Abraham	...	40	
34.	P. N. Madhavan Pillai	...	40	
35.	K. G. Rama Panicker	...	40	
36.	V. Gopala Pillai	...	45	
37.	P. Kolappa Pillai	...	45	
38.	R. Krishna Iyer	...	45	

APPENDIX II.—(*contd.*)

No.	Name.		Pay Rs.	
39.	A. Lekshminarayana Iyer	...	45	
40.	K. Narayana Kurup	...	40	
41.	A. Padmanabha Iyer	...	45	
42.	S. Ramakrishna Iyer	...	50	
43.	A. Sankaranarayana Iyer	...		Died.
44.	C. S. Venkitarama Iyer	...	50	
45.	A. Chockalingom	...	40	
46.	S. Velayudhan Pillai	...	40	
47.	J. Damodara Prabhu	...	40	
48.	P. K. Madhava Varier	...	40	
49.	N. K. Madhavan Naick	...	40	
50.	C. Subramonia Pillai	...	40	
51.	V. Govindan Potti	...	40	
52.	K. M. Zachariah	...	40	
53.	Muthuswami Iyer	...	50	
54.	C. V. Varghese	...	50	
55.	N. Kumara Pillai	...	40	
56.	M. K. George	...	40	
57.	K. Muthuswami Pillai	...	40	
58.	K. Narayana Pillai	...	40	
59.	V. V. John	...	40	
60.	K. Sivasankara Pillai	...	40	
61.	R. Venkitarama Iyer	...	50	
62.	N. Kesava Pillai	...	50	
63.	P. Harihara Iyer	...		Employed in the College.
64.	A. Krishna Iyer	...	50	
65.	G. Gopala Menon	...	50	Not now employed in the general list.
66.	S. Harihara Iyer	...	50	
67.	S. Sankarasubramonia Iyer	...	40	
68.	J. M. Sathyanesan	...		Not now employed in the general list.
69.	K. S. Viswanatha Iyer	...	50	
70.	E. K. Zachariah	...	110	
71.	A. C. Joseph	...	50	
72.	N. Chidambaram	...	75	
73.	K. R. Narayana Iyer	...		Not now employed in the general list.
74.	M. P. Thomas	...		Do.
75.	P. Venkitachalam Iyer	...	40	
76.	A. Sankara Pillai	...	100	
77.	A. J. John	...	40	
78.	M. E. Joseph	...	40	
79.	C. V. Rama Iyer	...	40	
80.	A. M. Abdul Kadir	...	35 + 5	

APPENDIX II—(*contd.*)

No.	*Name.*		*Pay Rs.*	
81.	N. Parameswaran Pillai	...		Not now employed.
82.	K. Mahomed Ali	...	40	
83.	A. R. Ravi Varma Thirumulpad	...		Not now employed.
84.	S. Krishnan Nair	...	40	
85.	N. Parameswaran Pillai	...		Not now employed.
86.	S. Vasudeva Iyer	...	40	
87.	G. Sankara Pillai	...	20 + 14-9-5	
88.	P. N. Kunjan Pillai	...		Employed in the College.
89.	N. Kunjukrishna Pillai	...		Do.
90.	K. V. V. Dharan	...	100	
91.	K. G. Madhavan	...	40	
92.	N. Viswambharan	...	40	
93.	P. K. Narayana Pillai	...		Employed in the College.
94.	B. Ramasubramonian	...	40	
95.	N. S. Krishna Pillai	...	40	
96.	K. C. Philip	...	40	
97.	M. Abdu Salam	...	40	
98.	E. N. Parameswaran Pillai	...		Not now employed in the general list.
99.	P. V. Appu	...	49	
100.	K. G. Sivasankaran Nair	...		Not now employed in the general list.
101.	K. G. Sankara Pillai	...	40	
102.	V. P. Karunakaran Nair	...	40	
103	S. N. Sankaranarayana Iyer	...	40	
104.	R. Parameswaran Nair	...	40	
105.	P. R. Viswanathan Nair	...		Not now employed in the general list.
106.	P. S. Vaideeswaran	...		Do.
107.	A. G. Krishna Variar	...	40	
108.	K. Mahomed	...	40	
109.	V. Sivan Pillai	...	20 + 20	

PART (b)

Statement showing the names of persons who were confirmed, the dates of such confirmation and their respective total service.

No.	Name.	Date of confirmation.	Total service on 25-3-1112.		
			Y.	M	D.
1	P. S. Abraham ...	1-8-1110	1	7	25
2	P. E. Chacko ...	12-10-1108	7	1	9
3	P. G. Ranga Iyer ...	4-4-1104	11	3	20
4	N. Bhaskara Iyer ...	10-6-1105	11	8	1
5	V. Subramonia Iyer ...	12-10-1108	8	2	5
6	V. Ramaswami Iyer ...	30-1-1106	10	1	25
7	K. Harihara Iyer ...	18-10-1108	4	10	25
8	K. Govindan Nair ...	25-6-1107	9	5	29
9	A. Padmanabhan ...	18-3-1108	11	1	2
10	W. V. Abraham ...	10-4-1108	11	0	18
11	K. Velu Nair ...	13-4-1108	11	3	20
12	K. C. Nilakanta Varier ...	12-10-1108	7	4	20
13	Ahamed Kunju ...	28-12-1108	5	1	3
14	M. K. Thomas ...	1-5-1109	3	4	9
15	M. Ganapathi Iyer ...	Do.	5	7	11
16	James Samuel ...	Do.	10	6	4
17	A. Viramony Iyer ...	Do.	10	6	4
18	P. Ramakrishnan Nair ...	Do.	10	6	1
19	K. R. Raja Raja Varma ...	Do.	10	4	3
20	K. C. Thomas ...	Do.	9	10	21
21	T. Gopala Pillai ...	Do.	11	2	3
22	P. A. Sankara Pillai ...	Do.	11	6	1

PART—(c).

Names of persons who have not been confirmed with their respective pay and total service on 25-3-1112.

No.	Name.	Pay Rs.	Service. Y.	M.	D.
1	D. K. Damodara Kartha ...	50	3	5	13
2	P. V. Abraham ...	40	10	5	29
3	P. Joseph ...	40	10	5	27
4	M. K. Raman Pillai ...	40	10	5	27
5	John M. John ...	40	10	1	25
6	S. Moses ...	40	9	9	22
7	C. Cheriyan ...	40	9	9	22
8	V. K. Rama Varma Thirumulpad ...	Not	employed		
9	V. Ninan ...	40	9	6	10
10	K. M. Koshi ...	40	9	2	25
11	M. K. Abraham ...	40	9	2	19
12	P. N Madhavan Pillai ...	40	9	2	29
13	K. G. Rama Panicker ...	40	7	2	29
14	V. Gopala Pillai ...	45	3	5	14
15	P. Kolappa Pillai ...	45	3	5	14
16	R. Krishna Iyer ...	45	6	11	9
17	A. Lekshminarayana Iyer ...	45	5	4	10
18	K. Narayana Kurup ...	40	6	4	26
19	A. Padmanabha Iyer ...	45	3	5	14
20	S. Ramakrishna Iyer ...	50	6	5	28
21	C. S. Venkitarama Iyer ...	50	6	5	17
22	A. Chockalingom ...	40	7	10	9
23	S. Velayudhan Pillai ...	40	8	6	9
24	J. Damodara Prabhu ...	40	8	5	3
25	P. K Madhava Varier ...	40	8	3	16
26	N. K. Madhava Naick ...	40	7	9	12
27	C. Subramonia Pillai ...	40	8	4	12
28	V. Govindan Potti ...	40	7	6	19
29	K. M. Zachariah ...	40	6	11	10
30	C. Muthuswami Iyer ...	50	4	6	18
31	C. V. Varghese ...	50	4	2	11
32	N. Kumara Pillai ...	40	6	3	11
33	M. K. George ...	40	6	1	10
34	K. Muthuswami Pillai ...	40	2	11	28
35	K. Narayana Pillai ...	40	3	9	5
36	V. V. John ...	40	5	0	28
37	K. Sivasankara Pillai ...	40	2	5	26
38	R. Venkitarama Iyer ...	50	2	8	20

PART—(*c*) (*contd.*)

No.	Name.	Pay Rs.	Service Y.	Service M.	Service D.
39	N. Kesava Pillai ...	50	2	7	20
40	A. Krishna Iyer ...	50	2	0	21
41	G. Gopala Menon —	Not now employed in the General list			
42	S. Harihara Iyer ...	50	1	1	14
43	S. Sankarasubramania Iyer ...	40	1	9	29
44	J. M. Satyanesan ...	Not now employed in the General list			
45	K. S. Viswanatha Iyer ...	50	1	0	6
46	E. K. Zachariah ...	110	6	3	4
47	A. C. Joseph ...	50	0	11	4
48	N. Chidambaram ...	75	5	1	27
49	K. R. Narayana Iyer ...	Not now employed in the General list			
50	M. P. Thomas ...	Do.	Do.	Do.	Do.
51	P. Venkitachalam Iyer ...	40	1	5	27
52	A. Sankara Pillai ...	100	5	0	21
53	A. J. John ...	40	3	2	16
54	M. E. Joseph ...	40	3	5	15
55	C. V. Rama Iyer ...	40	3	6	1
56	A. M. Abdul Kadir ...	35+5	2	11	14
57	K. Mahomed ...	40	2	6	14
58	K. Mahomed Ali ...	70	2	2	23
59	A. R. Ravi Varma Thirumulpad ...	Not employed			
60	S Krishnan Nair ...	40	1	7	4
61	N. Parameswaran Pillai ...	Not employed			
62	N. Parameswaran Pillai ...	Do.	Do.	Do.	Do.
63	S. Vasudeva Iyer ...	40	1	0	9
64	P. N. Kunjan Pillai ...	Employed in the College			
65	N. Kunjukrishna Pillai ...	Do.	Do.	Do.	Do.
66	G. Sankara Pillai ...	20+14 9-5	...	4	20
67	K. V. V. Dharan ...	100	1	5	13
68	K G. Madhavan ...	40	1	4	5
69	N. Viswambharan ...	40	1	4	5
70	P. K. Narayana Pillai ...	Employed in the College			
71	B. Ramasubramonian ...	40	1	2	23
72	N. S. Krishna Pillai ...	40	0	8	0
73	K. C. Philip ...	40	0	7	19
74	M. Abdusalam ...	40	0	11	19
75	V. Sivan Pillai ...	20+20	0	7	2

PART (*c*)—*contd.*

No.	Name.	Pay Rs.	Service. Y.	M.	D.
76	E. N. Parameswaran Pillai ..	40 Not	acting	in the	General list
77	P. V Appu ..	40	0	8	0
78	K. G. Sivasankaran Nair ..	40			
		Not em	ployed	in the	General list
79	K. G. Sankara Pillai ..	40	0	4	3
80	V. P. Karunakaran Nair ..	40	0	4	9
81	S. N. Sankaranarayana Iyer ..	40	0	4	9
82	R. Parameswaran Nair ..	40	0	4	9
83	P. R. Viswanathan Nair ..	.	N	ot em	ployed
84	A. G. Krishna Varier ..	40	0	3	14
85	P S Vaideeswaran ..	Not em	ployed	in the	General list

PART (*e*).

Statement showing the names of Second Grade Graduate Teachers who have acted in permanent vacancies for not less then one year on 31-10-1110.

P. Joseph.

BUSINESS OF THE HOUSE.

President: Before the legislative business commences I desire to make one observation. I have been asked to give some more time—one more non-official day—for the consideration of a non-official Bill which is on the tapis. It is entirely left to this House to decide whether the work of legislation now before the House, namely, the Co-operative Societies Bill and the Trade Unions Bill, will be finished to-day or not. If by chance these Bills are finished to-day, tomorrow will be free, and it will be possible for the House to take up non-official business to-morrow, if the House does not want a holiday. I am perfectly willing to accommodate the non-official members in that respect. If, on the other hand, they think that one day's discussion will be sufficient for the non-official Bill in question, then Thursday may be devoted for the purpose. It must be distinctly understood that while as President I am perfectly willing to give the utmost latitude to the discussion of that Bill, it does not mean that Government has formed a final opinion on the Bill. I do not wish to say more than that at the present moment.

THE TRAVANCORE CO OPERATIVE SOCIETIES BILL.—(*contd.*)

Clause 15.

Mr. N. Ramakrishna Pillai (*Vaikam cum Shertalai*): My amendment is to delete clause 15. The matter covered by clause 15 is one which can be provided for in the bye-laws. It is not necessary to deal with the change of name of a society in the Regulation itself. I therefore move that the clause may be deleted.

The amendment fell through for want of seconding.

The question that clause 15 do stand part of the Bill was put to vote and carried.

The clause was added to the Bill.

Clause 16.

Mr. N. Ramakrishna Pillai: My amendment is to delete clause 16. This clause provides for the amalgamation and division of societies. My submission is that the advantages of this provision are not commensurate with the complications that it will create. Again no necessity has been made out for a provision of this character. For these reasons, I move that this provision may be deleted.

Mr. K. Madhavan Pillai (*Trivandrum*): I second it.

Mr. M. Govinda Pillai (*Registrar of Co-operative Societies*): Sir, I oppose the amendment. The honourable member who moved the amendment said just now that no necessity had been made out for this provision. May I say that there are ever so many societies that stand in need of amalgamation? For instance, in a

[Mr. M. Govinda Pillai.]

particular centre like Parur there are several societies which have to be amalgamated. The clause apparently looks cumbersome. As a matter of fact, I may say that it has been worked out without any difficulty in Madras. If there are too many societies in a place, it will be possible to amalgamate them, and if more societies are needed it will be possible to divide some of the most unwieldy ones. The necessity for a provision like this is keenly felt. I oppose the amendment.

The amendment was put and lost.

The question that clause 16 do stand part of the Bill was then put to vote and carried.

The clause was added to the Bill.

Clause 17.

The clause was add to the Bill.

Mr N. Ramakrishna Pillai: My amendment is to delete sub-clause (2) of clause 17. My ground is that this is a provision which should be made in the bye-laws. It is not necessary to make a provision for it in the Regulation itself.

Mr. M. N. Paramesvaran Pillai: I wish to put a question. If this clause is deleted who will work the society between the date of registration and the date of constitution of a committee by the society?

Mr. N. Ramakrishna Pillai: The registration will not take much time and the constitution of the committee can be done immediately after registration. Further, no necessity for such a provision has been made out by the Devadhar Committee.

Mr. K. Madhavan Pillai: I second it.

Mr. Kayalam Paramesvaran Pillai (*Additional Head Sirkar Vakil*): Sir, I oppose this amendment. I thought the member would be thankful to me for inserting this provision in the Bill itself rather than ask for a *carte blanche* from this House to make provision by bye-laws. I oppose the amendment.

Mr. N. Ramakrishna Pillai: My main reason for the deletion of this clause is that there is no need for a provision of this character. Such unimportant provisions are better made in the bye-laws of every society.

The amendment was put and lost.

The question that clause 17 do stand part of the Bill was then put and carried. The clause was added to the Bill.

Clause 18.

Mr. N. Ramakrishna Pillai: My amendment is:

Delete the words "not disqualified for such appointment under any rules prescribed in that behalf" in lines 2 and 3 of sub-clause (2).

Under sub-clause (2), a registered society which has invested any part of its funds in the shares of another society may appoint, any of its members not disqualified for such appointment to vote in the affairs of such other registered society. It is not justifiable to place restrictions upon the choice of the society in delegating a representative to another society. I think it is not right to interfere with the internal management of another society.

Mr. M. N. Paramesvaran Pillai: Is it the opinion of the member that disqualified members could be sent?

Mr. N. Ramakrishna Pillai: I did not say so.

Mr. M. N. Paramesvaran Pillai: Suppose a person has vested interests in the other society. Can he be sent?

Mr. N. Ramakrishna Pillai: The bye laws will make provision for that. The qualifications can be prescribed in the bye-laws.

Mr. M. N. Paramesvaran Pillai: If the bye-laws make provision for qualifications, does the member say that he should not be sent?

Mr. N. Ramakrishna Pillai. I do not say so. Further the expression is not very clear. I submit that this qualification is quite unnecessary.

Mr. K. Madhavan Pillai: I second the amendment.

Mr. M. Govinda Pillai: Sir, I oppose the amendment. I may in the first place invite the attention of the honourable member to the definition of the term "prescribed". "Prescribed" means prescribed by rules framed by Government. This matter is made clear in sub-clause (1) of the clause.

The necessity for a provision like this is very keenly felt. My friend has been referring to the bye-laws. As a matter of fact according to the bye-laws, the representative should be elected by the general body and not by the committee as is very frequently done. There are several instances of violation of this rule. These committees are attended by the Secretary and one or two other people, and they elect the representative delegates. This has resulted in gross mismanagement. It is to prevent such mismanagement that this sub-clause is inserted here. I therefore oppose the amendment.

The amendment was put to vote and lost.

The question that clause 18 do stand part of the Bill was then put to vote and carried.

The clause was added to the Bill.

Clause 19.

Mr. N. Ramakrishna Pillai: I move the following mendment:

[Mr. N. Ramakrishna Pillai.]

"Delete the words "to the Society or" in line 1 of sub-clause 2 (b".)

I object to the clause in the present Bill on the ground that transfer of share cannot be made to a society. It is not open either to a society or corporation to transfer its full share of its own accord. Hence I move the amendment Though there is a similar provision in another clause of the present Bill such a qualification is not necessary in the present clause. Therefore I move my amendment for the acceptance of the House.

Mr. K. Madhavan Pillai: I second it.

Mr. Kayalam Paramesvaran Pillai: Mr. Ramakrishna Pillai said that there is a similar provision elsewhere in the Bill. That is not opposed. Sir, I oppose the amendment of Mr. Ramakrishna Pillai.

The amendment was put to vote and lost.

The question that clause 19 do stand part of the Bill was then put to vote and carried.

The clause was added to the Bill.

Clauses 20 and 21.

The question that clauses 20 and 21 do stand part of the Bill was put to vote and carried.

The clauses were added to the Bill.

Clause 22.

Mr. N. Ramakrishna Pillai: I move the following amendment:

Substitute for the following:

" (1) The Registrar shall audit or cause to be audited by some person authorised every registered society once at least in every year. No charge shall be made in respect of any audit made under this Section.

(2) The audit under sub-section (1) shall include an examination of overdue debts, if any, and a valuation of the assets and liabilities of the society.

(3) The registrar or any person authorised by general or special order in writing in this behalf by the Registrar shall at all times have access to all the books, accounts, papers and securities of a society, and every office of the society shall furnish such information in regard to the transactions and working of the society as the person making such inspection may require."

This is one of the most important provisions of the Bill. It refers to the audit of a society. Now audit is being conducted free. According to the Bill, for purposes of audit the society is to pay for it. I take serious objection to the departure. The provision contained in the old Regulation, *viz.*, that audit should be free has now been taken away. This is an innovation which is not found either in the Madras or the Bombay Acts. Under the conditions

prevailing in this country it is very necessary that audit should be continued free. The Devadhar Committee also says that to meet the increased cost of the department, a fee should not be imposed for the audit of societies.

Mr. M. Govinda Pillai: May I know whether audit is free in Madras and Bombay?

Mr. N. Ramakrishna Pillai: It is not mentioned there specifically that audit is free. But that is no reason why the audit here should not be free. The report of the Committee is to the effect that to meet the increased cost of the department a fee should not be imposed for audit. Most of the co-operative societies are very poor and to impose an additional tax for the purpose of audit will work hardship upon them.

Mr. Kayalam Paramesvaran Pillai: May I know from the member whether there is any society now that is able to pay for the audit? I am putting this question because the member said that most of the societies are poor.

Mr. N. Ramakrishna Pillai: In the case of most societies there is practically no audit by the department. The Devadhar Committee has also said about it.

Mr. M. N. Paramesvaran Pillai: May I know from the member whether the present clause says that the society should pay for the audit?

Mr. N. Ramakrishna Pillai: Unless a provision is specifically made that audit is free, it will not be done accordingly. It is a concession made by Government and therefore a similar provision existed in the old Regulation.

Mr. M. N. Paramesvaran Pillai: Is not a duty caused on the Registrar or his nominee to audit the accounts of a society?

Mr. N Ramakrishna Pillai: Yes. According to the present provision in the Bill the society has to pay for audit. Originally it was not so. That was a concession made by Government. Unless a provision is made to the effect that audit should be free, I am sure it will not be done accordingly. From the report of the Committee also no case has been made out for a departure from the old practice in respect of audit. There is another aspect. Sub-clause 4 says as follows:—

> "The Registrar and every other person appointed to audit the accounts of a society shall have power when necessary—
>
> (i) to summon at the time of his audit any officer, agent, servant or member of the society who he has reason to believe can give valuable information in regard to any transaction of the society or the management of its affairs, or"

According to this provision, the auditor is given power to summon any person connected with the society. This is a very

[Mr. N. Ramakrishna Pillai.]

serious inroad on the working of the co-operative movement. There is no necessity why an auditor should be given so much power for examination of accounts of a society. We have not also heard any complaint that audit has not been satisfactorily conducted, because of the fact that the auditor was not given such summary powers. Under these circumstances, there is no necessity to arm the auditor with such extraordinary powers. Hence I move my amendment.

Mr. K. P. Nilakanta Pillai : (*Chirayinkil* cum *Nedumangad*) : I second the amendment. Let us see the serious consequences that may follow if this amendment is not accepted. I explained yesterday that it may not be possible for any member with an amount of self respect, hereafter to serve in a non-official committee, if the clause is accepted as it is in the present Bill Sir, this clause has to be read along with clause 60 and 63 of of the Bill. They are as follows :—

60. "It shall be an offence under this Regulation if—

(*a*) a registered society or an officer or member thereof, in contravention of the provisions of this Regulation, wilfully makes a false return or furnishes false information or wilfully neglects or omits to call a general meeting or special general meeting of the society, or

(*b*) any person wilfully or without any reasonable excuse disobeys any summons, requisition or lawful written order issued under the provisions of this Regulation or does not furnish any information lawfully required from him by a person authorised in this behalf under the provisions of this Regulation.

63. Any registered society or or any officer or member thereof or any other person guilty of an offence under this Regulation for which no punishment is expressly provided herein shall be punishable with fine not exceeding fifty rupees."

Clause 22, sub-clause 4 (1) will entitle the Registrar or the Assistant Registrar, or his nominee, to appoint any person to audit the accounts of a particular society and that auditor can summon any officebearer of a society for the purpose of examining minutely its accounts. It is probable that the information may be well founded or ill founded. But the consequences are very serious, when read along with clause 60 and 63. So far as I can understand, there is very great difficulty in pioneering this Bill through this House. Of course, the Devadhar Committee was appointed to report on particular matters referred to that committee. It was far from the knowledge of the primary societies in Travancore that a Bill of the kind is to be appended with that report and that it will be brought before the legislature and brought into law. Even the members of primary societies have not deposed before the

Devadhar Committee. But shomehow or other the Bill has reached such a stage. Is there any single primary society whose opinion has been invited by the Registrar about the provisions in the Bill? On the other hand, many Conferences have met and passed resolutions to the effect that these provisions if adopted will prove very objectionable and threaten the existence of the societies. I am speaking this from the point of view of primary societies.

Mr. M N. Paramesvaran Pillai: May I know if this amendment is accepted whether it will not be inconsistent with sub-clause (*f*) of clause 74?

Mr. K. P Nilakanta Pillai: I do not quite follow the member. My point is there are many honourable non-official members who are helping the co-operative movement to a large extent. For example, in the Central Co-operative Bank, there is Rao Bahadur K. Narayanan Pandalai, the President of the Bank, who is a retired Chief Secretary to Government. Then, there is Dr. Madhavan Pillai, retired Sanitary Commissioner of the State. Mr. N. Ramakrishna Pillai is another member. Rao Sahib T. Padmanabha Rao and Mr. E. Subramonia Aiyar were members, who are helping the society in one capacity or another. All these gentlemen form a non-official committee. Under this clause, these members can be summoned by a petty officer of the Co-operative, Department for the purpose of examining them. These people will have to answer the various questions of the auditor. It passes beyond my comprehension why such men should be summoned and examined for the purpose of conducting audit of the societies. Will any man having some self respect go and aid a non-official movement of this character if such conditions are imposed? That is the reason why I drew the attention of the members to clauses 60 and 63. Even the refusal to accept summons to appear before these petty officers is penalised under clause 63, and the Registrar is given supreme power even to order the prosecution of that particular member.

Mr. E.P. Varghese: (*Nominated*): Suppose the summons is from a Bench Magistrate? What about the self respect of these gentlemen?

Mr. K. P. Nilakanta Pillai: I am not concerned with the individuals who may occupy certain posts. But, certainly, they are Magistrates.

Mr. M. N. Paramesvaran Pillai: Has not the Sub-Registrar got the power to summon persons as witnesses?

Mr. K. P. Nilakanta Pillai: Provided the party is prepared to meet the expense of the witness he can do it.

Mr. P. Padmanabhan Tampi: (*Kalkulam* cum *Vilavankod*): May I know whether it is compulsory on the part of the witnesses to appear before the Sub-Registrars?

Mr. K. P. Nilakanta Pillai: No, it is not compulsory at all. All these questions are put to me without knowing that.

What I am driving at is that under this Bill, even a refusal to accept a summons will be penalised and made liable for criminal prosecution. My submission is that the whole clause has been framed in such a way that it would seem that the framers of this Bill had no knowledge about the routine work of the primary societies and the relation between the officers and the managing board or the executive committee. As a matter of fact, the members of the managing board have nothing to do with the actual records of the society. They meet from time to time to decide the general policy to be adopted by the primary society or the taluk bank as the case may be, and the proceedings of those meetings can be seen in the minutes book. I cannot understand why a particular officer should be invested with the power to summon anybody to examine the transanctions of the society. The Secretary is there and the records are kept in the office. The auditor can have access to all these records in the office. Beyond that, I fail to understand what the Register is going to gain by an examination of a particular member. He can get absolutely no more information than what is contained in the minutes book. All the records are in the office. It would seem that the framers of the Bill have not got the knowledge about the working of the primary societies and the relation between the officers and the board members. That is my serious objection to this provision, and that was the general trend of my argument yesterday. Clause after clause proposes to belittle the importance of non-official work for the movement and even to drive respectable men from the co-operative field. That seems to be the main idea underlying many of the principles of this Bill. It is highly objectionable. To advance the co-operative movement in Travancore and for the proper working of co-operative societies and banks, I submit that experienced non-officials are absolutely necessary. The provisions of the Regulation should be framed in such a way that it would give an invitation and an incentive to respectable non officials to come into these societies. But the result of the present provision is to drive them out. No man of self-respect will be willing to serve in these societies. With these words, I support the amendment.

Mr. V. S. Arumukham Pillai: I do not exactly understand the necessity for investing the auditor with powers to summon any member of the board he wishes to produce any record. As my

friend Mr. Nilakanta Pillai pointed out it is to prevent respectable people from taking part and co-operating in the working of the department. A reading of the clause will show that the main object of the Bill is to crush the movement instead of fostering it.

Mr. Kayalam Paramesvaran Pillai: Are respectable people afraid of giving information?

Mr. V. S. Arumukham Pillai: My learned friend does not exactly understand me. Respectable people are not afraid to give information. The question is wether it is proper to invest the auditor with powers to summon anybody he wishes. We must clearly keep in view that auditing, inspection and enquiry are the three main functions in the working of the co-operative societies. As at present the inspector or the supervisor is always the auditor. He audits the primary societies or the taluk banks and the clerk or the manager concerned produces all the records and accounts that is required and everything is done smoothly. When that is the case why for the purpose of auditing, the inspector should be invested with the power to summon any member he pleases. If he is not able to get any record, he may put in a complaint to the president of the society and make a report of it. From what I have been able to hear from the Registrar there was not a single instance in which an auditor was refused any record or voucher that he wanted. So I do not think that for mere auditing it is necessary to invest an auditor like an inspector or a supervisor to invest with such large powers. It will be keeping out respectable and true workers of co-operation. So such a provision is very dangerous. With these words, I support the amendment.

Mr. M. Govinda Pillai: I oppose the amendment. From the speeches, it will have been observed that the objections against this provision of law are based on two grounds; first, the deprivation of the present concession of free audit, and second, the apprehension that all self-respecting people of the State will be scared out of the movement. I shall very briefly deal with these two objections.

I have said that free audit has been a concession granted to societies by Government, because Government at the very inception of the movement felt the need for such a concession. Government thought that a free audit was an essential pre-requisite for the progress of the movement. But now after 20 years, Government think that the movement has developed to such an extent that some of the societies which have got decent and respectable working capital may be subjected to the levy of an audit fee. In Madras and other Provinces the audit has not been free. That concession existed only in Travancore. The Travancore Government has always been solicitous and paternal in these matters. But we have reached a

[Mr. M. Govinda Pillai.]

stage at which it is necessary that some of the societies which are capable and competent to contribute something towards the cost of audit should do so. An apprehension has been expressed that audit fee is to be levied on all societies irrespective of their competence or capacity. Audit fee is to be levied only in respect of certain societies. Agricultural societies of the unlimited character will be completely exempt from audit fees. I may also point out to the House that, in Madras, audit fee is levied only in respect of societies whose working capital exceeds Rs. 20,000 or whose membership exceeds 500. In Mysore also, I may inform the House that a committee which was appointed recently has recommended that audit fee should be levied in respect of societies whose working capital is Rs. 5,000. I am sure the Government of Travancore will only follow the example set by Madras, and not of Mysore. The object of Government is to levy audit fees in respect of societies whose working capital exceeds Rs. 20,000, or whose membership exceeds 500.

Mr. V. S. Arumukham Pillai : If a bank employs a certified auditor, is it necessary that that bank should pay audit fee ?

Mr. M. Govinda Pillai : I may inform the member that the audit statement of any auditor appointed by anybody, the president or the managing committee, cannot be accepted by the department. The responsibility of conducting the audit has been undertaken by the Government, and the department is bound under the law to conduct the audit. Unless and until an auditor appointed by the Government or by the department, as the case may be, conducts the audit the department cannot accept any other auditor.

Mr.V. S. Arumukham Pillai : May I know the necessity for levying audit fees ?

Mr. M. Govinda Pillai : It is to help the Government. After all, the movement cannot function without proper audit.

Mr. S. Piraviperumal Pillai : May I know what amount Government hope to derive from the levy of audit fees ?

Mr. M. Govinda Pillai : It may be a very small amount. The question does not depend upon the amount. It is a question of principle whether competent societies should not contribute towards the expenses of audit. Government have been conducting free audit for the last 20 years. The question is whether societies, which have got decent working capital and which are capable of contributing towards the expenses of audit, should not contribute towards such expenses. It is in view of that principle that Government contemplate to levy an audit fee from such societies.

With regard to the second objection that the enforcement of this rule will scare out all self-respecting people, I have only to point out that similar rules have been in force in Bombay for the lart 12 years, in Madras for 7 years, and yet the self-respecting people of those two Presidencies have offered their voluntary, gratituous services for the cause of the movement. There are not only Rao Sahibs and Rao Bahadurs but slso Dewan Bahadurs and even gentlemen who have been knighted by His Majesty the King Emperor, who have contributed their time and leisure for the development of the movement.

Mr. G Narayana Aiyar: What will be the position of an auditor when he feels that an entry is suspicious and when he is conscious that that entry can be proved to be false by summoning a member of the union?

Mr. M. Govinda Pillai: It is to combat such circumstances and situations that this power is proposed to be given. Let there not be the least apprehension that this power will be abused. If that is done, there is the Government to deal with these departmental auditors and take disciplinary action against them.

Mr. K. P. Nilakanta Pillai: Is there any provision for that?

Mr. M. Govinda Pillai: When the Gevernment have undertaken the audit, it is their duty to enforce discipline and to call to order the officers who are guilty of malpractices. Sir, I was just speaking sbout the apprehension that this provision was likely to scare away self-respecting men. I shall not have the temerity to contend that self-respect is the monopoly of Travancore. I am sure that, in spite of this provision, self-respecting men, people who have got the love of their fellow brethren in their hearts will be willing to devote their time and leisure to advance and develop the movement; and I hope that they will come forward in larger numbers than at present.

Mr. K. P. Nilakanta Pillai: May I know whether there is a similar provision in the Bombay Act?

Mr. M. Govinda Pillai: Yes, there is.

Mr. K. P. Nilakanta Pillai: May I know which is that section?

Mr. M. Govinda Pillai: The member will please peruse the Bombay Act.

Mr. Kayalam Paramesvaran Pillai: I wish to add a few words to what the honourable member has said. Mr. Ramakrishna Pillai wanted by his amendment to substitute certain provisions in clause 22,

[Mr. Kayalam Paramesvaran Pillai.]

Clause 22 sub-clause (2) is as follows :—

"The audit under sub-section (1) shall include an examination of overdue bebts, if any, the verification of cash balance and securities and a valuation of the assets and liabilities of the society".

Mr. Ramnkrishna Piliai's amendment is as follows:—

"The audit under sub-section (1) shall include an examination of overdue debts, if any and a valuation of the assets and liabilities of the society".

In the amendment Mr. Ramakrishna Pillai has cleverly omitted the exprassion the verification of cash balance and securities. In fact that is the real change he intends. So he wants by his amendment that the verification of cash balance should not be made upon this. I may say that very often when an inspection is conducted the cash balance of the society is often found to be missing. What Government are aiming at by the inclusion of this provision is that it must be the statutory duty of the auditor to verify the cash balance. Mr. Ramakrishna Pillai does not want this statutory duty to be put on the auditor.

Mr. K. P. Nilakanta Pillai: May I know from the member for how many times a particular society is expected to be audited by the departmental officer ?

Mr. Kayalam Paramesvaran Pillai: Ordinarily once in a year.

Mr. K. P. Nilakanta Pillai: Is it sufficient to check the cash balance which might have been used by the managing committee ?

Mr. Kayalam Paramesvaran Pillai: I can admit that it may not be sufficient but even one verification is objected to by Mr. Ramakrishna Pillai.

Mr. K. P. Nilakanta Pillai: May I know what happened in the case of misapproriation of the funds of the society of the excise employees at Trivandrum ?

Mr. Kayalam Paramesvaran Pillai: I do not know Sir. I am only concerned with this clause. Another point I want the House to note is that in clause 22 sub-clause (4) it is stated

"The Registrar and every other person appointed to audit the accounts of a society shall heve power when necessary—

(i) to summon at the time of his audit any officer, agent, servant or member of the society who he has reason to believe can give valuable information in regard to any transaction of the society or the manage ent of its affairs, or

(ii) to require the production of any book or document relating to the affairs of the society or any cash or securities belonging to the society by the officer, agent, servant or member in possession of such book, document, cash or securities".

From this clause it may be seen that the Registrar has to inform the person who is competent to give the information concerning the society. It is very necessary and that is what is meant by summoning him.

Mr. K. P. Nilakanta Pillai: May I know from the member what may be the nature of the information that the Registrar may get from a member so far as the tranactions of a society are concerned ?

Mr. Kayalam Paramesvaran Pillai: The member may be able to inform the Registrar whether the sec etary or any other office bearer has stolen society's fund. Thatis a valuable information. Why should anybody object to this clause if it enables the Registrar to get such information.

Mr. K. P. Nilakanta Pillai: May I know whether such information may not be of a hearsay nature?

Mr. Kayalam Paramesvaran Pillai: That depends upon the connotation of the word hearsay. A respectable gentleman is always expected to give information based on facts.

Mr. P. Padmanabhan Tampi: May I know whether any neeessity was ever felt for summoning any member for this purpose after the passing of the Co-operative Regulation?

Mr. Kayalam Paramesvaran Pillai: Sometimes the necessity has been felt.

Mr. P. Padmanabhan Tampi: Can the Law Member quote any instance where such a necessity was felt?

Mr. Kayalam Paramesvaran Pillai: I cannot quote any specific instance. But the power is quite necessary. If the auditor is aware that a paticular person would be able to give information should not the auditor be able to summon him. If that person is of some status and some importance he may be summoned by means of a letter of request. It will in no way injure the respect or prestige of the individual concerned.

Mr. K. P. Nilakanta Pillai: Suppose such summons are refused and the individual concerned declines to give the information, what is the consequence?

Mr. Kayalam Paramesvaran Pillai: He will be dealt with under the appropriate provisions.

Mr. K. P. Nilakanta Pillai: Is he not entitled to get the benefit from the general law of evidence?

Mr. M. N. Paramesvaran Pillai: Sir, on a point of order. The two amendments Nos. 17 and 18 practically are embodied as one amendment. I wish to know if this House will have any objection in taking amendment No. 18, because if amendment No. 17 is lost automatically the purpose of amendment No. 18 is defeated.

President: Obviously if these amendments are put to vote separately, amendment No. 18 will not cover amendment No. 17. If they are put to vote together then of course amendment No. 18 will also be covered.

Mr. M. N. Paramesvaran Pillai: I request that these two amendments may be separately put to the vote of the House.

Mr. N. Ramakrishna Pillai: Sir, a word of explanation. The Law Member said that I moved my amendment very cleverly evading the expression "verification of cash balance." But I want to point out to the Law Member, that in the provision in the existing Regulation this expression does not find a place. Of course there is no display of cleverness in that.

President: There is no harm in displaying cleverness.

Mr. N. Ramakrishna Pillai: I am only submitting that I did not display any cleverness in omitting the expression. I was only suggesting that the existing provisions may be continued. To verify cash balance and securities is the duty of the auditor even though it is not expressly stated in the provision. In this connection I may point out the observations of the Devadhar Committee in connection with this. The committee says in page 179 thus:—

> "We are told that the inspectors and the honorary auditors when they audit the accounts do not as a rule call for the cash balance and verify it. An inefficient and incomplete audit would give occasion for fraud and misappropriation It should be the primary duty of the auditor to check the cash balance, and the Registrar who is responsible for the proper audit should see that the auditors do not shirk this responsibility."

The Committee does not say that it is due to want of adequate power given to the auditor that the cash balances are not verified. The mere fact that this does not find a place in the amendment does not mean that the auditor will not have certain power. Of course I have no objection in giving the power to the auditor. The main objection is that as at present there is no instance where any complaint from auditors were received to the effect that they were not able to conduct the audit efficiently on account of the absence of this power. With these words I commend the amendment to the acceptance of the House.

Mr. Kayalam Paramesvaran Pillai: The motion is to substitute a clause for the existing clause. If that motion is carried no more amendment arises on this clause. If that is lost the other amendment may be moved.

The amendment was put to vote and lost.

Mr. K. Madhavan Pillai: Sir, I demand a poll.

A poll was taken and the House divided as follows:

AYES—8.

1 Mr. V. S. Arumukham Pillai
2 ,, Kochikal P. Balakrishnan Tampi
3 ,, M. Govindan
4 ,, K. Madhavan Pillai
5 Mr. K. P. Nilakanta Pillai
6 ,, K. Padmanabha Panickar
7 ,, N. K. Padmanabha Pillai
8 ,, N. Ramakrishna Pillai

NOES—18.

1 Mr. C. V. Chandrasekharan
2 ,, Eric Hall
3 ,, M. Govinda Pillai
4 ,, Hajee Hassan Yacub Sait
5 ,, J. John Kattakayam
6 ,, Kayalam Paramesvaran Pillai
7 ,, K. N. Kesavan Namputiripad
8 ,, Komilezhathu Sankaran
9 ,, C. Kumara Das.
10 Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai
11 Mr. C. O. Madhavan
12 ,, M. N. Narayana Menon
13 ,, K. Paramesvara Panickar
14 ,, R. Pitchu Aiyangar
15 Rao Bahadur A. Rengaswami Aiyar
16 Mr. Sayed M. Bava
17 ,, Tariatu Kunjiromman
18 ,, G. B. E. Truscott

NEUTRALS—8.

1 Mr. H. O. L. Marikar
2 ,, G. N. Narayana Aiyar
3 ,, P. Padmanabhan Tampi
4 ,, M. N. Paramesvaran Pillai
5 S. Piraviperumal Pillai
6 ,, K. Sankaralingam Pillai
7 ,, E. P. Varghese
8 ,, A. N. Visvanatha Pillai

The amendment was declared lost, 8 voting for the amendment, 18 against and 8 remaining neutral.

Clause 22.

Mr. N. Ramakrishna Pillai: Sir, I beg to move the following amendment:—

Add at the end of the clause the following sub-clauses:—

"(5) Every society shall once at least in every year cause the accounts of the society to be balanced and a balance-sheet to be prepared.

(6) The balance-sheet shall be audited by the Registrar or the person authorised by him to audit the accounts as hereinbefore provided and a report to be prepared by him shall be attached thereto or there shall be inserted at the foot thereof a reference to the report and the report shall be read before the general meeting of the society and shall be open to inspection by any member of the society.

[Mr. N. Ramakrishna Pillai.]

(7) The Registrar or the person authorised by him to audit the accounts shall make a report to the members of the society on the accounts examined by him and on the balance-sheet laid before the general meeting of the society and the report shall state :

(a) whether or not he has obtained all the information and the explanations he has required ; and

(b) whether the balance-sheet exhibits true and correct view of the state of the society's affairs according to the best of his information and the explanations given to him and as shown by the books of the society."

Sir, we find in clause 22 of the Bill a provision made for the audit of a society. Of course the auditor will be given certain powers for the purpose of making an efficient audit. We do not at the same time find any responsibility cast upon the auditor to make a correct and proper audit. If the auditor does not make a correct audit there is no means of proceeding against him. Therefore some provision is necessary for enforcing the responsibility upon the auditor to guarantee a correct and satisfactory audit. It is for this reason that I bring in this amendment before the House. It is the duty of every society to prepare a balance sheet every year. The balance sheet should be examined by the auditor and the Auditor should make a report upon it. If the balance sheet itself does not contain that report a report should be attached to the Balance sheet to be read before the general meeting of the society. The necessity for having a statement by the auditor that the balance sheet exhibits a true and correct view of the accounts of the society is for the purpose of enabling to proceed against him, in case he makes an incorrect audit.

Mr. G. Narayana Aiyar : If an auditor submits an incorrect audit, can he not be proceeded against criminally for his negligence under the rules now prevailing ?

Mr. N. Ramakrishna Pillai : I do not think so, because under the law it is not the duty of the auditor to make a statement that his audit is correct.

Mr. G. Narayana Aiyar : But we find at the foot of the balance sheet an insertion that to the best of his knowledge the statement is correct.

Mr. N. Ramakrishna Pillai : The auditor merely certifies that he has verified the accounts. No statement is made that the account is correct. My amendment requires that the auditor should make a statement that he has received all the information and explanations he required and that to the best of his information, the accounts are correct. Such a statement is necessary in order to

ensure that an auditor does his duty properly. That is the reason why I bring forward this amendment.

Mr. K. P. Nilakanta Pillai: Sir, I second the amendment. The present amendment covers my amendment also. As it has been observed, when wide powers are given to the auditor, you must see that a corresponding responsibility is cast upon him to go through the accounts correctly. Self respect is not the monopoly of Travancoreans. Also, the rights to misappropriate should not be the monopoly of Bombay citizens. Travancoreans also have shown that they are capable of it. That is the reason why I support the amendment. I may refer to the Excise Co-operative Society, and to the misappropriation there of about Rs. 10,000, in spite of the fact that it was regularly audited ; and the man is in jail now.

Mr. M. Govinda Pillai: May I inform the member that the society was not audited by the Excise Department or by the Account Office, that the defalcation took place subsequent to the audit and that the man is not yet in jail ?

Mr. K. P. Nilakanta Pillai: Misappropriation and theft are not the monopoly of non-officials ; officers also do that. There are many cases before us. That is the reason why we insist that a corresponding responsibility also must be cast upon the auditor who, according to the clause that we have just now adopted, is paid for his work.

Mr. M. N. Paramesvaran Pillai: Is the member of opinion that, if a judicial officer passes a wrong judgment and parties suffer on account of it, he should also be made liable ?

Mr. K. P. Nilakanta Pillai: I have no objection to amend the Civil Procedure Code to that effect

By making the auditor responsible for the correctness of the audit, nothing is taken away from him. I do not know why my friend is particular that the auditors should escape scot-free even if they err. For auditing joint stock companies, there are certified auditors. We know only too well the kind of audit that they make. The auditor one morning goes to the office of the company; he is flattered and patted on his back by the managing board ; and he issues a certificate. Therefore, when we provide for his remuneration and for all manner of facilities for his work, even at the risk of the humiliation of the board, what is the particular objection to cast a corresponding responsibility on the auditor and to make him answerable for the losses resulting from the incorrectness of his audit ?

Mr. S. Piraviperumal Pillai: Is the member aware that irresponsible audit will entail cancellation of license?

Mr. K. P. Nilakanta Pillai: It is after the water has flown. Whether his license is cancelled or not, the mischief would have already been done. My humble submission is that there ought to be no objection to this amendment which says that every auditor should do his work honestly and should certify to the correctness of the balance sheet.

Mr. G. Narayana Aiyar: Sir, I support the amendment. Before proceeding further, it is better to see whether there is sufficient provision in the existing Regulation by which an auditor who submits an incorrect report is made answerable for it. In the absence of such a provision under the present law, it is safe to have such a provision like the one suggested by the amendment so that they may do their work with a sense of responsibility.

Mr. Kochikal P. Balakrishnan Tampi (*Mavelikara and Kunnattur cum Kartikapalli*): Sir, I oppose this amendment on the ground that it will be wrong in principle to penalise an auditor. First of all, it is not a power that he exercises. It is a duty cast upon him. An auditor is not exercising a power more than a doctor, or an engineer or a lawyer. A doctor who, by wrong diagnosis, fails to cure a patient even after exercising the utmost care, or a lawyer who loses a case is never penalised, because he does it in good faith. He is not penalised because he does it in good faith and to the best of his ability. No more can an auditor be penalised for doing this work. As suggested by Mr. Piraviperumal Pillai, he can be dealt with departmentally. Another reason is that the department cannot get any auditor who will work properly because he will be too nervous to work. To make him personally liable would be a preposterous proposition even in a socialistic state. All that we can expect public servants to do is to make them work to the best of their ability. We cannot expect them to be superhuman.

Mr. G. Narayana Aiyar: May I know whether the auditor has not got to make a statement at the end of his report that his statement is correct?

Mr. Kochikal P. Balakrishnan Tampi: Yes, to the best of his knowledge and information.

Mr. G. Narayana Aiyar: May I know whether a Judge or Munsiff, when he writes his judgment, is bound to make such a statement?

Mr. Kochikal P. Balakrishnan Tampi: Although my acquaintance with the legal profession is not quite long as my

friend's, I may say that there is a sacred presumption that the judgment written by a judge is correct to the best of his knowledge. In spite of that we find in appellate courts that the judgments are wrong. In the same spirit, we have to take the auditor's report. Therefore I oppose the amendment.

Mr. M. Govinda Pillai Sir, I oppose the amendment. The amendment proposed smacks of joint stock audit. I may at the very outset state that co-operative audit and joint stock audit are entirely and fundamentally different In regard to penalising the auditor for acts of misfeasance and malfeasance, there seems to be a fear that any one may be appointed as auditor. I have already stated that Government have undertaken the responsibility for the audit of co-operative societies. Although, until recently, the non-officials who were working in the supervising unions were also requested to assist in the matter of audit, hereafter, with the reorganisation of the department, the intention of Government is to have the audit conducted solely by Government servants. As such, they are going to discharge their statutory responsibility in its entirety. Therefore, there need not be any apprehension that any irresponsible auditor would be appointed. Instructions have also been issued to the Assistant Registrars to conduct test audits in a specified percentage of societies with a view to see that the audit conducted is satisfactory and according to co-operative principles. If any remissness is brought to light, I am sure Government will not hesitate to deal with the delinquents. Therefore there need not be any misapprehension that any mistake will be committed with impunity.

Mr. S. Piraviperumal Pillai: Is it the contention of the member that all the auditors who are certified by Government are not doing their work properly ?

Mr. M. Govinda Pillai: I do not insinuate like that in the least degree. I am not speaking anything about joint stock audit. The certificate which my honourable friend referred to relates only to joint stock audit. No such certificate is issued for co-operative audit.

Mr. S. Piraviperumal Pillai: Is it the member's contention that joint stock auditors are precluded from co-operative auditing ?

Mr. M. Govinda Pillai: They are not permitted to audit co-operative societies.

Mr. G. Narayana Aiyar: Even in the absence of such a provision, will any auditor commit mistakes ?

Mr. M. Govinda Pillai: If he commits mistakes, he will be liable to punishment by Government ?

Mr. G. Narayana Aiyar: If that be the case, then why not make a specific provision ?

Mr. M. Govinda Pillai: I do not think there is any other law which the Government administers which penalises public servants for probable acts of misfeasance and malfeasance.

Mr. M. N. Paramesvaran Pillai: May I point out that it is compensation that is provided in the amendment, and not criminal punishment ?

Mr. M. Govinda Pillai: If, in any case, serious loss results on account of bad auditing, Government will not be reluctant to make good the loss on account of such misdeeds of the auditor. Government have undertaken the responsibility for audit, because such a responsibility has to be undertaken in the interests of the movement. You have to trust Government.

Mr. N. Ramakrishna Pillai: Are the Government prepared to pay for misappropriations committed by Government servants ?

Mr. M. Govinda Pillai: I am not here to interpret the law. I am sure the honourable member who is a lawyer knows it very well. I am very thankful to Mr. Nilakanta Pillai for the very graphic description he has given of joint stock audit. We do not want joint stock auditors to audit our accounts. The department audits the accounts minutely, investigates every transaction and then issues certificates. For these reasons, I oppose the amendment.

Mr. Kayalam Paramesvaran Pillai: Sir, I wish to add a few words. In regard to co-operative societies, the primary duty of auditing, is on the State: Unlike joint stock companies, co-operative societies are allowed to be created for a particular purpose. It is scarcely necessary for me to enlarge upon that aspect of the matter. It will be readily admitted that it is in the interests of the State no less than that of the societies that the societies should thrive. Therefore, the societies should be audited. The State therefore undertakes the audit. Government want to see from the audit report how the societies are working.

Mr. N. Ramakrishna Pillai: May I know whether the Government have got any other responsibility than those imposed under this Regulation ?

Mr. Kayalam Paramesvaran Pillai: I am saying that the Regulation ought to cast a responsbility upon the State. Clauses 1 to 4 to which the present clauses are to be added have to stand. If those clauses stand, then the State will have the responsibility to audit and get audit reports. These reports will be perused by Government. If this is borne in mind the cloven foot

in the amendment will be evident. What Mr. Ramakrishna Pillai wants is that the societies should prepare the balance sheet and the Registrar should audit that balance sheet on behalf of the society. Why should the State undertake that responsibility on behalf of the society. He wants the State to conduct an audit *on behalf of* the society. I ask *cur bono.* Really we are not concerned with it. The State only wants the audit for the purpose of the State. Mr. Ramakrishna Pillai wants the audit in the interests of the society. If a society wants to have its accounts audited, let it appoint its own auditor. The departmental auditor will not be responsible for the audit done on behalf of the society. Again Mr. Ramakrishna Pillai wants the departmental auditor to make the report to the society, and not to the Government. If a society wants an audit, let it, appoint its own auditor.

Then in regard to clause 8, a duty is cast thereby to the society. If the State appoints an auditor his duty is *to Government.* If the society appoints an auditor his duty is to the society.

Mr. M. N. Paramesvaran Pillai: When the society is asked to pay for the audit, is it not entitled to protection?

Mr. Kayalam Paramesvaran Pillai: I am not quite sure that I have made my position clear. What I say is that the society should be audited in the interests of the State. The clauses we have already passed over namely, sub-clauses (1) to (4) want the audit on behalf of the State. But Mr. Ramakrishna Pillai now wants the audit on behalf of the society. I do not know if the member wants the audit to be free because he does not want to make any provision for charges. So far as the State is concerned, they appoint their own auditors and get the audit reports If the society wants a report, let them appoint their awn auditor. That is the fundamental difference to be noted. I oppose the amendment.

Mr. N. Ramakrishna Pillai: Sir, from the speech of the learned Law Member, I understand that the Government are not prepared to make a thorough audit for the society. They are prepared to go to a certain extent only for their own satisfaction. Of course, Government have undertaken to audit all the societies. But Government are not anxious to audit the societies for the sake of the societies.

It depends on the question whether a particular society is prepared to pay for the audit, if it comes to that. We see from the provisions already passed that a fee is going to be imposed for the audit. When the proposal is to enforce a payment of fee for the purpose of audit, it is quite reasonable to expect that the audit should be thorougn and proper. Then the members of the society

[Mr. N. Ramakrishna Pillai.]

may know where they stand. It is not enough if the Government satisfies themselves, by a cursory examination, that the society is working satisfactorily. It is necessary to impress on the members that the audit of accounts is thorough and efficient and that the statement of the society could be relied upon. Therefore I want this amendment to form part of the Regulation.

Mr. M. N. Paramesvaran Pillai: May I know how far the audit of balance sheet will ensure the prosperity of a society?

Mr. N. Ramakrishna Pillai: Because a payment is imposed, the auditor should examine the balance sheet and make a report on it.

Mr. Kayalam Paramesvaran Pillai: What about cash?

Mr. N. Ramakrishna Pillai: There is already provision for that.

Mr. M. N. Paramesvaran Pillai: Is the audit of the balance sheet, sufficient guarantee to certify the correctness of the accounts of a society?

Mr. N. Ramakrishna Pillai: The auditor has to examine the accounts and then certify the balance sheet. He has to state that the accounts are correct.

Mr. M. N. Paramesvaran Pillai: Is it the opinion of the member to make the auditor responsible also for the bad state of affairs of a society?

Mr. N. Ramakrishna Pillai: No. A thorough examination of the accounts will have to be made by the auditor. Then he should certify about the correctness of the accounts. This practice is followed in joint stock companies. I do not know why any body should be frightened at the analogy of joint stock companies. It is a well established principle of law that an auditor is responsible for the carelessness or neglect on his part. That is the provision which I want to adopt in the case of co-operative societies. When the Government have undertaken to audit the societies and when the auditor is armed with extraordinary powers of summoning any office bearer for the purpose of audit, and when a payment of fee is imposed for the examination of accounts, I do not see any reason why the auditor should not be made responsible for the correctness of the accounts.

The amendment was put to vote and lost.

The question that clause 22 do stand part of the Bill was then put to vote and carried.

The clause was added to the Bill.

Clauses 23 to 30.

The question that clauses 23 to 30 do stand part of the Bill was then put to vote and carried.

The clauses were added to the Bill.

Clause 31.

Mr. K. P. Nilakanta Pillai: Sir, I move that in clause 31. After the word 'as' in line 3, add the following:—

> "Amount decreed by a Civil Court and the provisions of the Code of Civil Procedure, 1110, regarding execution of decrees shall apply to the same", and omit the rest of the clause beginning with the word "arrears" and ending with the word 'parties' in line 12 (including the proviso and the explanation)".

The clause as amended will read thus:—

> "Whenever a decision or an award of the Registrar or Arbitrator or an order of the Registrar or liquidator is obtained by a registered society for the realisation of money any such money may be recovered as amount decreed by a Civil Court and the provisions of the Code of Civil Procedure, 1110 regarding execution of decrees shall apply to the same".

This is a very important amendment, and I propose to deal with it at length on account of the indifference exhibited by a certain section of the House to important amendments.

Mr. M. N. Paramesvaran Pillai: May I know whether the member is advocating on behalf of the debtors, or of the society?

Mr. K. P. Nilakanta Pillai; I am speaking for the interests of societies as well as for the peace and tranquillity in Travancore.

Mr. M. N. Paramesvaran Pillai: May I know from the member whether it is not better for the society to apply the provisions of the Révenue Recovery Regulation for realisation of arrears?

Mr. K. P. Nilakanta Pillai: I am surprised to hear that a member, who has advanced views in similar matters, is putting that question to me

I doubt very much whether the member has understood the purport of my amendment. If the member will be patient enough to hear me, he will understand me, and he can put questions at the end of my speech.

We have been listening to the arguments advanced by the members in charge of this Bill, the Registrar on the one hand and the Law Member on the other, that a particular clause has been adopted from the Madras Act, and another from the Bombay Act and a third from the All India Act. All those arguments are quite hollow. The Bombay and the Madras Acts are universally condemned by every eminent co-operator. The provisions from those

[Mr. K. P. Nilakanta Pillai.]

Acts bid good-bye to many of the progressive ideals contained in the All India Act of 1912. Therefore, to say "we have adopted this from the Madras Act, or that from the Bombay Act" is no argument which can be advanced. My appeal to the members of this House is that they should not be deceived by such arguments.

Mr. K. Madhavan Pillai: What has become of the Ministry, in Madras, that was responsible for co-operative movement?

Mr. K. P. Nilakanta Pillai: The fate is well-known.

Mr. M. Govinda Pillai: Has the member any idea about the Bombay Ministry after the 1925 Act?

Mr. K. P. Nilakanta Pillai: That is also well known.

Mr. M. Govinda Pillai: Does the member know that Bombay is ahead of every other Indian Province in the matter of co-operation?

Mr. K. P. Nilakanta Pillai: The whole co-operative movement is controlled by capitalists there, who are to a certain extent reactionaries from the point of view of the general public that accounts for it.

I ask the plain question from which Act the present clause has been copied out Is it from the Bombay Act, or from the Madras Act, or from the All India Act, or from the old Regulation?

Mr. E. P. Varghese: Can it not be an original provision?

Mr. K. P. Nilakanta Pillai: Certainly, a very original one; therefore I have to advance very original arguments. What the clause provides is this. Where an award is given by the Registrar or by his deputy, for realising the amount due to a society, he is to be armed with the provisions of the Revenue Recovery Regulation. That is a power exercised by Division Peishkars to realise arrears of tax. That in short, is the purport of this provision. Now, the members can more or less understand why I am a little bit hot in moving this amendment to that provision. On a previous occasion, this House opposed a similar provision, which was attempted to be included in regard to the Sreepadom dues. The House clearly expressed the view that the Revenue Officers do a lot of mischief in applying the provisions of the Revenue Recovery Regulation and in effecting attachments of movable and immovable properties. We know in what strong language the House ventilate its grievances against the present Revenue Officers and their illegal acts. We must bear in mind that it is the Division Peishkar who is invested with the power of collecting arrears of tax under the Revenue Recovery Regulation.

Mr. M. N. Paramesvaran Pillai: Does the member know that even municipal subordinates collect tax by means of the Revenue Recovery Regulation?

Mr. K. P. Nilakanta Pillai: It is known to all that my friend is more concerned with municipal administration and with the collection of scavenging fees and other municipal dues.

Mr. M. N. Paramesvaran Pillai: I am very sorry for the ignorance exhibited by my friend.

Mr. K. P. Nilakanta Pillai: Any how my friend need not express any opinion about the extent of my knowledge in this matter.

Mr. M. N. Paramesvaran Pillai: May I point out that, when the Edavagai Bill was under consideration, the honourable member supported the view that the provisions of the Revenue Recovery Regulation should be conferred on the Sreepadom Officer if his status is not lower than that of a Tahsildar.

Mr. K. P. Nilakanta Pillai: I am very thankful for the extreme ignorance exhibited by the honourable member, in this instance. (*Laughter.*) It must be fresh in the minds of some of the members that, when the Sreepadom Bill was under consideration, I fought for three days in seeing that the recovery of arrears by means of the Revenue Recovery Regulation was not adopted. There was only one member in this House who supported that. At any rate we succeeded, in getting our proposition carried.

Mr. M. N. Paramesvaran Pillai: May I know from the member when the Edavagai Bill was under discussion in this House?

Mr. K. P. Nilakanta Pillai: I refuse to answer further questions from the honourable member. I do not know why the member should fight shy of placing his own views before the House. He is merely sitting quiet and interpellating others here and there. I know he used to be a voracious speaker (*Laughter.*)

The House adjourned at 1 P. M. and reassembled at 2 P. M. with the President in the chair.

Mr. K. P. Nilakanta Pillai: I was just observing that a similar provision is wanting either in the Bombay Act or in the Madras Act. Not only that. The Bombay Act provides that, in the matter of realisation of dues from a member, the ordinary course is that the award of the Registrar should be considered as a decree and that it should be executed through the civil courts of the place. That is what the Bombay Act says. The Madras Act is also similar to that. But the provision in the existing Regulation is otherwise.

Mr. M. Govinda Pillai: May I point out that the provision under the existing Regulation is that an award may be executed either through the civil courts or by the Revenue Recovery Regulation ?

Mr. K. P. Nilakanta Pillai: Generally, as a matter of fact, when an award is given, that is taken to the civil court and executed as a decree of the civil court. That is what is done in Travancore to-day. I do not understand what were the special reasons which weighed with the framers of this Bill for seeking the aid of the powers under the Revenue Recovery Regulation, for the realisation of amounts due to co-operative societies.

Mr. E. P. Varughese: Will it not expedite the realisation of dues ?

Mr. K. P. Nilakanta Pillai: If an award is obtained and the Revenue Recovery Regulation is put in motion, and the movables and immovables of any person is attached, what will be his predicament ? I have absolutely no objection even if some of the provisions of the Draconian Code put into operation for the realisation of small amounts due to co-operative societies. The dues that co-operators owe to the society are only very small amounts. I am against the fundamental principle of applying the provisions of the Revenue Recovery Regulation for the realisation of the amounts due to any private body. Anyhow, the co-operative societies are private bodies. I do not see why the powers which rest with the Revenue Department should be made available to these private bodies. Even though some of the banks approve of this amendment, I, as an independent man who has the best interests of the ordinary co-operator at heart, have tabled this amendment independent of any requisition from any bank or society. We can more or less imagine what will be the predicament of the poor agriculturist if the powers under the Revenue Recovery Regulation are going to be made applicable for the realisation of amounts due to co-operative societies. We can guess the amount of hardship and distress that will be caused to the poor agriculturists. That is my objection to this provision. There was a time when we all fought that the powers under the Revenue Recovery Regulation should not be given to any body. That is the reason why I referred to the Sripadom Bill. The officer or the manager of the Sri padom will be a selected man with actual experience in revenue matters. Even in the case of such a man, the House stood against his being given the powers under the Revenue Recovery Regulation. If that be so, how far is it reasonable that these men belonging to the Co-operative Department should not be given those powers ?

Mr. E. P. Varughese: Are not these societies quasi-public bodies? Are they purely private bodies?

Mr. K. P. Nilakanta Pillai: Co-operative societies are private bodies, pure and simple, without any adulteration whatsoever. My friend's idea of co-operative societies is curious.

Mr. E. P. Varughese: Are they at least quasi-public bodies?

Mr. K. P. Nilakanta Pillai: My friend may exhaust all legal terms; I have no objection.

Mr. E. P. Varughese: And, yet the honourable member will not understand? (*Laughter.*)

Mr. M. N. Paramesvaran Pillai: The powers are to be conferred on the Registrar and his nominees, and not on any private individual. Is not the Registrar a man higher in status than the Tahsildar?

Mr. K. P. Nilakanta Pillai: But the wording is "the Registrar or his nominee". Apart from that, my fundamental objection is not with reference to the Co-operative Registrar himself being invested with this power.

Mr M. N. Paramesvaran Pillai: Has the member any objection in giving the power to any officer who is not inferior in status to the Assistant Registrar?

Mr K. P. Nilakanta Pillai: My quarrel is not with the Registrar or the Assistant Registrar being invested with this power. My point is that powers under the Revenue Recovery Regulation should not be given to any private body or corporation for the realisation of its dues.

Mr. Kayalam Paramesvaran Pillai: Are not the Sripadom dues liable to be recovered as arrears of public revenue?

Mr. K. P. Nilakanta Pillai: I merely referred to the position taken by the House when it discussed the Sripadom Bill, and the provision there that the Sreepadam manager should be invested with these powers, to show that the Legislature has always been against the powers under the Revenue Recovery Regulation being made available to any private institution? Honourable members exhibit wonderful capacity to misunderstand my argument. The Revenue Recovery Regulation should be used by the Sirkar for the realisation of Sirkar tax alone. I can understand that position. The Sirkar is maintaining a set of officers who collect taxes to be spent for the people. In the case of the Sripadom, the officer appointed by the Sreepadam authorities looks after the interests of the Sripadom people. The Sreepadam dues are not spent for the benefit of the people.

Mr. M. N. Paramesvaran Pillai: May I know whether the member has any objection in allowing Jenmikaram being recovered under the Revenue Recovery Regulation ?

Mr. K. P. Nilakanta Pillai: My friend has already drawn my attention to the fact that even for the realisation of scavenging fees, the Revenue Recovery Regulation is allowed to be applied. So, no more argument need be advanced so far as my friend is concerned.

Mr. S. Piraviperumal Pillai: May I know who, under the present clause is actually to be invested with the powers of the Division Peishkar ?

Mr. K. P. Nilakanta Pillai: The power may be given not only to the Registrar but also to his nominee. The Revenue Recovery Regulation is a very powerful arm with the Government and it ought to be used only for the realisation of Government tax. Is it the case that if no power under the Revenue Recovery Regulation is given, the arrears will not be realised ? The ideal in the co-operative movement is "each for all and all for each". If that be so, should such a power be given to the Registrar or to his nominee for the realisation of such small amounts? Suppose 50 per cent of the people are proceeded against under the Revenue Recovery Regulation during harvest time, and all crops are attached. You can more or less imagine the plight and misery of these poor agriculturists. I wonder why questions like these are put to me. I have repeatedly brought to the notice of this House that powers under the Revenue Recovery Regulation should not be given to any private body. I do not see why they should object to my amendment. Even in the case of the Revenue Department, only a Division Peishkar is invested with the powers under the Revenue Recovery Regulation. He is a tried Revenue Officer. He must have risen to that position by working as a Tahsildar or even as a clerk in the Secretariat.

Mr. Kayalam Paramesvaran Pillai: Or by studying in the Preparatory Class at first. (*Laughter.*)

Mr. K. P. Nilakanta Pillai: Yes, sometimes even uneducated men who do not know English happen to become Peishkars. Anyhow it is true that persons who are appointed as Peishkars are tried Revenue Officers. I do not understand how the Law Member slights the importance of that argument. It is quite fresh in my memory that this very same Law Member advanced the cause of the Peishkar when he pleaded for the Sreepadam manager being invested with the powers of the Division Peishkar. When I say that only tried Revenue Officers should be invested with the

powers under the Revenue Recovery Regulation, the learned Law Officer asks the question whether "should he not have studied in the Preparatory Class?". What a wounderful question, Sir? (*Laughter.*)

That question serves as an index as to how my speech is being listened to by my learned friends. (*Laughter.*)

Every action taken by the Tahsildar or the Peishkar is appealable to the Land Revenue Commissioner or the Dewan.

Mr. E. P. Varughese: May I know whether it is not applicable under this clause also?

Mr. K. P. Nilakanta Pillai: My friend evidently has not read the bill.

Mr. E. P. Varughese; The Explanation to Clause 31 provides for appeal.

Mr. K. P. Nilakanta Pillai: There are subsequent provisions which say that without the Registrar permission no appeal can be preferred. The Division Peishkar and other revenue subordinates are subject to the disciplinary control of Government. But, what about the Assistant or the Deputy Registrar? The Registrar may be a benevolent man. But the Assistant Registrar or the Deputy Registrar may not be infallible. To err is human; and, in this matter, an error of judgment may cause untold miseries and hardships to the agriculturist co-operator. Therefore there must be some provision by way of appeal. But when the Revenue Recovery Regulation is applied and movables are attached, what is the use of any appeal. What is it that can be achieved by appeal after the whole matter is over? In the case of recovery of the Sripadam dues, this House devoted 3 days in discussing the question as to whether the Sripadom officers should be invested with the powers under the Revenue Recovery Regulation; and the House voted that this power should not be given. Here the power affects the whole Travancore, and every co-operator whether rich or poor. There may be interested people who want this power to be invested with the Registrar and his subordinates. My submission is that that should not be allowed. I, for my part, cannot understand what is the special circumstance which necessitated the inclusion of this provision which is absent in the Bombay Act or in the Madras Act or in the Cochin Regulation. I am convinced that this extraordinary power is quite unnecessary so far as the co-operative movement is concerned. Without this power the movement can be satisfactorily controlled, and all the outstanding debts can be realised

Mr. M. N. Paramesvaran Pillai: Has my fried any objection in the suits for the realisation of dues to the co-operative societies being decided by the Civil Courts and not by the Registrar?

Mr. K. P. Nilakanta Pillai : I have absolutely no obection. After all, what is the nature of these suits? Instead of going to a court and obtaining a decree, the Registrar is approached and he gives an award.

Mr. M. N. Paramesvaran Pillai : Can that award be questioned in a Civil Court?

Mr. K. P. Nilakanta Pillai : No.

Mr. M. N. Paramesvaran Pillai : Then is it not better to give the Registrar the powers to execute his award?

Mr. K. P. Nilakanta Pillai : I have no objection if the procedure prescribed by the Civil Procedure Code is to be adopted. It has been declared that the award of the Registrar will have the effect of a decree. If the Registrar will execute his award as the Civil Courts execute decrees, let him execute them expeditiously. Anyhow, the award is given the force of a decree. Mr. M. N. Paramesvaran Pillai's objection is that unnecessary delay will be caused by the Registrar in the execution of decrees. But I have no objection in giving the power of execution to the Registrar, only, the Registrar should not be given the powers under the Revenue Recovery Regulation.

M. E. P. Varughese : Will it not expedite the realisation of the dues?

Mr. K. P. Nilakanta Pillai : Certainly, it will. Then, why not private concerns like the Quilon Bank or the National Bank, be given the powers to collect their dues under the Revenue Recovery Regulation? Why should there be any distinction made with regard to those institutions, particularly the State-Aided Bank in the affairs of which our Government have also a hand?

Mr. E. P. Varughese : I wish it were done in the case of the arrears due to the State Aided Bank.

Mr. K. P. Nilakanta Pillai : The honourable member who fights vehemently for the rights of the tenants, in regard to Tenants' Improvement Compensation Bill, as if he were the custodian of their rights, now wants extraordinary powers to be vested on petty officers to realise small dues from poor agriculturists. I wonder at his changing colour.

Mr. E. P. Varughese : Will it not contribute to the better administration of the co-operative movement?

Mr. K. P. Nilakanta Pillai : It will contribute to the utter ruin of the whole movement.

Mr. E. P. Varughese : Will not credit societies flourish better if their dues are realised speedily rather than by the slow processes of Civil Courts?

Mr. K. P. Nilakanta Pillai: For that matter every banking concern will flourish better if such powers are given to it. Will you do it?

Mr. E. P. Varughese: Are Joint Stock Banks and Co-operative Societies on the same footing?

Mr. K. P. Nilakanta Pillai: So far as the business of banking is concerned, they are on the same footing.

Mr. K. Madhavan Pillai: Under the Revenue Recovery Regulation, can the authorities attach the agricultural implements, cattle and fodder for realising land revenue?

Mr. K. P. Nilakanta Pillai: No, but here even fodder seeds, and even the pot with boiling rice can be attached under this provision.

Mr. E. P. Varughese: May I know from the member why he did not bring an amendment to avoid that?

Mr. K. P. Nilakanta Pillai: If only my friend would be charitable enough to vote for this amendment, that object also will be indirectly achieved.

Mr. E. P. Varughese: As long as there is a provision in the Bill that the agricultural implements can also be attached will the present amendment achieve that object?

Mr. K. P. Nilakanta Pillai: That will be achieved if the officers are not given the power to attach anything under the Revenue Recovery Regulation.

Mr. M. N. Paramesvaran Pillai: May I point out to my friend that there is no provision for attaching seeds and implements; but only things, which the agriculturist ought from the money he borrowed from the society will be subject to a lien, for the amount due, in favour of the society?

Mr. K. P. Nilakanta Pillai: Yes, yes; it may be so; I may be a little bit mistaken. I would only appeal to the honourable member to make a speech and clear my doubts. He is unusually silent on this Bill.

With these words, I commend the motion to the acceptance of the House.

Mr. G. Narayana Aiyar: Sir, I support the amendment brought forward by Mr. K. P. Nilakanta Pillai. In these days when every sort of concession is given to all debtors by allowing time and by making provision for repayment piecemeal, it is very hard indeed to resort to coercive processes for the collection of co-operative debts. This weapon, if it is given to officers may, most probably be misused by them.

Mr. K. Madhavan Pillai: Is this provision in consonance with the definition of co-operation?

Mr. G. Narayana Aiyar: No.

Mr. M. Govinda Pillai: May I know from the member whether there is any definition of co-operation, any statutory enactment regarding co-operative principles?

Mr. G. Narayana Aiyar: No. What I submit is that, when concessions are given to all debtors, this provision is very hard against the members of co-operative societies who are as a rule very poor, and who are not able to pay back their debts even in small instalments.

Mr. M. Govinda Pillai: May I inform the member that the Revenue Recovery Regulation has been availed of during the past 20 years?

Mr. G. Narayana Aiyar: That is no justification for further continuing it. In recovering the amounts due under the awards of the Registrar, execution should be done through civil courts, and not under the Revenue Recovery Regulation?

With these words, I support the amendment.

Mr. Kayalam Paramesvaran Pillai: I oppose the amendment. There are two principles involved in this clause. The first is that the amount due may be recovered as arrears of public revenue. The second principle is that certain officers may be conferred the powers of certain revenue authorities. These two should not be mixed up together. The first is that the dues of a society may be recovered as arrears of public revenue.

That is a concession granted to co-operative societies in order that they may expeditiously recover the dues. In the case of these societies the State takes particular interest. The State wants the Co-operative movement to thrive and in order that they may recover their dues expeditiously the State wants to award them a useful weapon, if I may say so.

Mr. E. P. Varughese: In view of the provision contained in Section 24 that the dues of a society is a prior charge, where is the necessity for this provision?

Mr. Kayalam Paramesvaran Pillai: That has nothing to do with this. I was just telling the House that this privilege of the dues being recoverable as arrears of public revenue is conferred upon them.

Mr. M. N. Paramesvaran Pillai: May I know whether the present clause excludes any society from executing its awards in any civil court? Is it not open to a society to resort to civil courts also to execute its awards?

Mr. Kayalam Paramesvaran Pillai: It may be.

Mr. E. P. Varughese: Is it not open to them to recover the dues either through civil courts or under the Revenue Recovery Regulation?

Mr. Kayalam Paramesvaran Pillai Be it so. This particular thing is a privilege conferred upon them in order that co-operation may thrive. This is not a new thing. It has been in existence for the last quarter of a century and there has been no complaint. The Joint Stock Companies are entirely different. They exist purely for private profit. In the case of co-operative societies they do not function for private profit. I may even say that profit is not their main concern, whereas profit is the main concern, of the joint stock companies. In the case of private concerns the State does not give this privilege. But co-operation is the pet child of Government.

Mr. K. Madhavan Pillai: Is it because co-operation is the pet child of Government that agricultural implements are made liable to be attached?

Mr. Kayalam Paramesvaran Pillai: That is based on a mistaken notion. Just now, I am dealing with the right of recovering the dues under the Revenue Recovery Regulation.

Mr. N. Ramakrishna Pillai: May I know how many awards have been executed in that manner?

Mr. Kayalam Paramesvaran Pillai: A large number of them.

Mr. N. Ramakrishna Pillai: May I know who executed the awards?

Mr. Kayalam Paramesvaran Pillai: Very often the Tahsildars and Peishkars, I think.

And there has been no complaint on that. As a matter of fact, there can be no complaint. The principle that these dues may be recovered as arrears of public revenue is an accepted principle. This is recognised in other provinces like Bombay, the Central Provinces and the United Provinces.

The question may, however, be asked why this provision is embodied in the Regulation itself where as at present it finds a place in the rules. The reason is this. The rule simply says that the dues of a co-operative society may be recovered as arrears of public revenue. The power of so recovering may be conferred on any officer, say even on a clerk. The Government want to make it quite clear that this power shall not be conferred on any officer inferior in rank to that of an Assistant Registrar. In order that this safeguard may be enacted and Government may not abuse the power, they now place the provision before the legislature. If this provision is not accepted what will happen is that under the Revenue Recovery Regulation the Government can confer the powers of the Peishkar on any person. On the other hand if it is accepted the powers will be conferred only on officers not inferior to the Assistant Registrar. It is for this assurance that it is put in the Bill itself.

[Mr. Kayalam Paramesvaran Pillai.]

In regard to the attachment of agricultural implements, if Government feel that an exemption ought to be given in such cases they may do so. It may be seen from the clause itself.

> "Any such money may be recovered as arrears of public revenue under the Revenue Recovery Regulation, I of 1061 subject to such rules, if any, as may be prescribed."

If Government feel that any hardship is felt Government may make rules.

Mr. K Madhavan Pillai : Is the Government aware that it is a wrong thing to attach agricultural implements?

Mr. Kayalam Paramesvaran Pillai : At any rate there was no serious complaint.

Mr. K. Madhavan Pillai : Is it not expressly laid down that agricultural implements should not be attached for recovering arrears of revenue?

Mr. Kayalam Paramesvaran Pillai : If that is so, they will not be attached even now.

Mr. M. N. Paramesvaran Pillai : May I point out that if the amendment is accepted there will be no agency for executing the awards of the Registrar, because the section says "and our Government may for such purposes confer on the Registrar or any officer subordinate to him the powers of a Division Peishkar?" Who should execute the award?

Mr. Kayalam Paramesvaran Pillai : Perhaps the mover of the amendment does not want the money to be realised at all.

Mr. N. Ramakrishna Pillai : May I know whether the safeguards provided in the Revenue Recovery Regulation are also available to the debtors?

Mr. Kayalam Paramesvaran Pillai : Yes.

Mr. N. Ramakrishna Pillai : That is not the wording.

Mr. Kayalam Paramesvaran Pillai : The money may be recovered under the Revenue Recovery Regulation. If further safeguard is wanted Government can provide for it. So far as this clause is concerned nothing can be done *beyond* the Revenue Recovery Regulation. I may explain what Section 24 says. It says that any debt or outstanding demand owing to a society shall be a first charge "upon any cattle, fodder for cattle, agricultural or industrial implements etc., supplied to or purchased by such or past member or deceased member in whole or in part from any loan whether in money or goods given him by the society."

If you borrow money from a society and make agricultural implements with that money it is only reasonable that such implements should be made to bear the charge.

Mr. K. Madhavan Pillai: By attaching agricultural implements you put not only the man but his family also to difficulties?

Mr. Kayalam Paramesvaran Pillai: He borrows money from the society and with that money makes agricultural implements. If he does not pay back the amount, should they not be made liable? But I ask how is the difficulty suggested by Dr. Madhavan Pillai got over? He will have the dues recovered through civil courts. By accepting this amendment we are not getting over that difficulty. Because the civil courts will still procced against the articles.

Mr. M. N. Paramesvaran Pillai: Even accepting the amendment one is not bound to go to the civil court.

Mr. Kayalam Paramesvaran Pillai: Further we are not at present concerned with clause 24. That principle has been accepted. The amendment merely says that the dues of a society may be recovered as arrears of public revenue.

Mr. K. P. Nilakanta Pillai: What is the meaning of these words in my amendment?

> " Amount decreed by a Civil Court and the provisions of the Civil Procedure Code 1110 regarding execution of decree shall apply to the same."

Mr. Kayalam Paramsvaran Pillai: This clause merely lays down that the dues may be recovered as arrears of public revenue and the officer executing the awards must be of a rank above that of an Assistant Registrar The matter is so easy but there seems to be some confusion. Even to-day the Sreepadom dues are recovered as arrears of public revenue.

Mr. K. P. Nilakanta Pillai: Under the existing provision, through whom is the Revenue Recovery Regulation put into operation?

Mr. Kayalam Paramesvaran Pillai: Through the Dewan Peiskar

And Government have got the power to confer the powers of a Peishkar on *any* officer.

Mr. K. P Nilakanta Pillai: But that cannot be done for the purpose of the Co-operative Societies Regulation.

Mr. Kayalam Paramesvaran Pillai: Government have got the power to confer the powers of a Peishkar on *any* officer. Once such powers are conferred upon an officer he can collect the dues as arrears of public revenue. The principle that Mr. Nilakanta Pillai said he was fighting for in his previous speeches is really embodied in this clause and I think therefore it must be acceptable to him and I think that the House should be thankful to me that this clause is put in.

Mr. S. Piraviperumal Pillai : Sir, I also wish to support the amendment moved by Mr. Nilakanta Pillai The question is not whether the powers of a Peishkar may be conferred upon an Assistant Registrar or anybody else but the question is whether the money due to a society can be treated as the dues of Government.

(*At this stage the President occupied the Chair.*) The Law Member just now said that this has to be treated as public revenue. Let us now see the object with which the Revenue Recovery Regulation was promulgated. The Revenue Member who introduced Regulation I of 1068 stated:

Thus we see that this Regulation was promulgated to assist Government in the matter of realising Government dues and land tax due to Government. But of late we find that Government have been resorting to this Regulation for recovering any and all dues. If the subscription of a member of the Public Library falls into arrears it is collected under the Revenue Recovery Regulation. If a member takes a book from the Legislative Library and does not return it, the amount is recovered from him under this Regulation.

Mr. M. N. Paramesvaran Pillai : May I know whether there is any such instance?

Mr. S. Piraviperumal Pillai : There may or may not be Government resort to this Regulation for the collection of all Government dues. I have no objection to that. The question here is whether the amount due to the society can be treated as public revenue. If that can be treated as public revenue then I concede that the Revenue Recovery Regulation may be applied. But that cannot be treated as public revenue and Government will not be justified in applying the Revenue Recovery Regulation. Therefore I support Mr. Nilakanta Pillai's amendment.

Mr. E. P. Varughese : Sir, I also support the amendment. I was moved by the appeal of Mr. Nilakanta Pillai that, owing to the indifference of honourable members, his amendments were falling through. But I do not subscribe to that view.

When my attention was drawn to Section 24 I thought that there was no harm in supporting the amendment. The Revenue Recovery Regulation is applied by Government for the purpose of speedy recovery of their dues. According to Section 24 the debt due to a co-operative society is a prior charge on agricultural implements and agricultural produce. Even on fodder of cattle there is a prior charge. In view of the plea that the application of the Revenue Recovery Regulation will result in hardship to the poor agriculturist, I think the stringent provisions of the Revenue Re-

covery Regulation should not be applied, especially in view of the fact that a prior charge has been created on agricultural produce, implements and seeds, which are not ordinarily attachable under the Civil Procedure Code. So in the method of recovery some leniency should be shown. So, I support the amendment

The amendment was put to vote and lost.

Mr. K. P. Nilakanta Pillai : I demand a poll.

A poll was taken with the following result ;

AYES -12.

1 Mr. K. P. Nilakanta Pillai
2 ,, K. Padmanabha Panikkar
3 ,, M. N. Paramesvaran Pillai
4 ,, S. Piraviperumal Pillai
5 ,, G. Narayana Aiyar
6 ,, H. O. L. Marikar
7 Mr. M. P. Madhavan Pillai
8 ,, V S. Arumukham Pillai
9 ,, K. Madhavan Pillai
10 ,, N. Ramakrishna Pillai
11 ,, E. P. Varghese
12 ,, A. N. Viswanatha Pillai

NOES—14.

1 Mr. M. N. Narayana Menon
2 ,, Eric Hall
3 ,, P Balakrishnan Tampi
4 ,, K. Sankaran
5 Rajyasevanirata Rao Bahadur Dr. N. Kunjan Pillai
6 Mr. K. Paramesvara Panikkar
7 Rao Bahadur A. Rengaswami Aiyar
8 Mr. C. Kumara Das
9 ,, G. B. F. Truscott
10 ,, C. V. Chandrasekharan
11 ,, C. O. Madhavan
12 ,, R. Pitchu Aiyangar
13 ,, M. Govinda Pillai
14 ,, Kayalam Paramesvaran Pillai

NEUTRALS—3.

1 Mr. Syed M. Bava
2 ,, M. Govindan
3. Mr. K. Sankaralingam Pillai

The amendment was declared lost 12 Voting for the amendment, 14 against and 3 remaining neutral.

The question that clause 31 do stand part of the Bill was then put to vote and carried.

The clause was added to the Bill

Clauses 32 to 38.

The question that clauses 32 to 38 do stand part of the Bill was put to vote and carried.

The clauses were added to the Bill.

Clause 39.

Mr. K. P. Nilakanta Pillai : Sir, the amendment standing in my name is amendment No. 29 incorporate the amendment Clause 14 of the existing Regulation. My purpose is to delete the

[Mr. K. P. Nilakanta Pillai.]

existing clause and to retain the clause in the existing Regulation. Sir, there is no need to advance any elaborate argument, after knowing the fate of very important amendments moved to-day. It is well-known that the reserve fund cannot be reduced in any way. It is in direct contradiction to all principles of banking and economics. I shall quote the view of Mr. Ramdas Pantulu on this subject.

"The change made in the existing law by the bill is opposed to the best interests of the movement. This change is inexplicable in the face of the Devadar Committee's Statement that the existence of the reserve fund is above all one of the main source of financial stability of the society. The Madras act may be followed in this matter."

Sir, a similar clause is not found in the Bombay Act. If the provision in the Madras Act is accepted, then there would not have been any harm. When I moved several amendments, I was told that those clauses were taken from the Madras Act or from the Bombay Act and cannot therefore be a red rag to me. Now, I am just moving this amendment to retain the existing provision in the present Regulation and I hope it will not form a red rag to the Law Member.

Mr. M. P. Madhavan Pillai: I second it.

Mr. M. Govinda Pillai: Sir, I oppose the amendment. In doing so, I may first of all refer to the very resolution passed by the conference held under the presidency of Mr. Ramdas Pantulu at Trivandrum under the auspices of the Central Co-operative Bank. The resolution states:

This conference resolves that the rules under the existing Regulation relating to reserve fund, should be maintained and that out of the reserve fund, a loan may be given to a society for a specific purpose like the construction of a building or the acquisition of real property, with the approval of the Registrar. Such buildings and properties shall not be charged or encumbered except for such loans. The interest charged on such loans shall not exceed one per cent. above the rate of interest paid on the reserve fund by the financing bank.

That very conference accepted the principle that a portion of the reserve fund might be utilised for such purposes. The intention of the provision in the Bill is not to utilise the entire reserve fund but only a portion of it. I may also inform the House that, in Mysore, it has been the practice all these 20 or 30 years to utilise a portion of the reserve fund. The rule in Mysore runs as follows:

"With the previous sanction of the Registrar the reserve fund of a society may be utilised as working capital of that society or may

be utilised for the purchase or leasing out of land or in the construction or acquisition of buildings or in such other manner as may be necessary in the conduct of business."

This is no novel provision in this Bill.

Mr. M. N. Paramesvaran Pillai: Is there any principle that in the case of societies with limited liability this principle should be reversed?

Mr. M. Govinda Pillai: I do not agree to that suggestion. The one embodied in the Bill is the accepted principle here and elsewhere, and that is working satisfactorily.

Mr. M. N. Paramesvaran Pillai: Is there not a rule to afford protection to societies having limited liability?

Mr. M. Govinda Pillai: Yes.

Mr. M. N. Paramesvaran Pillai: Then, why not the principle be accepted in general?

Mr. M. Govinda Pillai: I do not agree to that suggestion.

I am at the point whether there is propriety in the utilisation of a portion of the reserve fund.

Mr. M. N. Paramesvaran Pillai: May I know what is the basis on which that percentage was fixed?

Mr. M. Govinda Pillai: We have followed the Government of India Act.

Mr. M. N. Paramesvaran Pillai: What is the special reason for our copying that provision?

Mr M. Govinda Pillai: I was not here at the time that legislation was drafted.

My point is whether there is justification in the utilisation of a portion of the reserve fund for purposes contemplated in this amendment. That has been the practice here, but it was declared illegal only very recently. During all these 20 years it was the practice of successive Registrars to permit loans being taken, on the security of the reserve fund, for the construction of buildings, etc. Such a practice has been in vogue till now. This practice was objected to by one of the registered societies in the land. and the Government rightly advised the Registrar not to proceed with that practice here after. It was consistently with the practice that was followed here and also with that pursued in Mysore, that that policy was adopted. Now, the Government have advised the Registrar not to proceed in that direction. Mr. Calvert, one of the eminent co-operators and a most successful Registrar in the Punjab has justified that practice. I have not come across a single co-operator who has not justified or advocated the continuance of this practice.

Mr. K. P. Nilakanta Pillai: May I know from the member what is the opinion of Mr. Darling in this matter ?

Mr. M. Govinda Pillai : At the recent Conference which was convened at Delhi, it was advocated by Mr. Darling that a portion of the reserve fund might very well be utilised for land acquisition and building purposes. For these reasons, I object to the amendment.

Mr. V. S Arumukham Pillai : Has not the Devadhar Committee stated that, for the financial stability of co-operative societies, the existence of a reserve fund was highly essential?

Mr. M. Govinda Pillai : That practice is still followed. Only a portion of the money is utilised for building purposes. All that I say is that a portion of the reserve fund may be utilised for special purposes that conduce to the good of the society.

Mr. N. Ramakrishna Pillai: May I know whether there is any justification for the proposed reduction of the reserve fund from one-half to one-fourth?

Mr. M. Govinda Pillai : Such a reduction is adopted else where, and I do not think that any great harm will ensue by that reduction.

The amendment number 29 was then put to the vote of the House and lost.

The question that clause 39 do stand part of the Bill was put to vote and carried.

The clause was added to the Bill.

Clauses 40 to 52.

The question that clauses 40 to 52 inclusive do stand part of the Bill was then put to vote and carried.

The clauses were added to the Bill.

Clause 53

Mr. N. Ramakrishna Pillai : I move the following amendment:

Delete the rest of the clause after the words "they shall be" in line 3 and substitute therefor the following :

> "entrusted to the Travancore Co-operative institute, Trivandrum be devoted to co-operative education and propaganda".

There is an elaborate provision made for the utilisation of surplus assets of a society. Instead of doing that my suggestion is that the surplus assets may be handed over to the Co-operative Institute which is responsible for the education and training of the co-operators. The Report of the Devadhar Committee also says that the Co-operative Institute is a very important institution and that it must be entrusted with the discharge of educating and training the co-operators. Hence I propose that the surplus assets may be entrusted with the institute.

Mr. M. Govindan (*Nominated*) : I second it.

Mr. M. Govinda Pillai : I object to that, on practical considerations. I may inform the House that the Travancore Co-operative Institute is not functioning satisfactorily and efficiently. It may require some time before the institute is capable of functioning in the manner contemplated in the amendment. I may not be surprised even if the name of the institute is changed after the reorganisation of the several unions. When the institute is reorganised as suggested by the Devadhar Committee, the Registrar will not fail to consult that body or even to consult the members of the Advisory Board, that is contemplated to be appointed, in connection with the utilisation of surplus assets.

Mr. M. N. Paramesvaran Pillai : Even with the provision as it is, is there any objection for the Registrar consulting that body?

Mr. M. Govinda Pillai : There is nothing to prevent the Registrar from entrusting the surplus money, the whole or part of it, to the institute. Therefore I would suggest that, until the institute is efficiently reorganised and until that body becomes a really efficient institution working in the interests of co-operation, this amendment need not be accepted.

The amendment was put to vote and lost.

The question that clause 53 do stand part of the Bill was then put to vote and carried.

The clause was added to the Bill.

Clause 54.

Mr. N. Ramakrishna Pillai : I move that clause 54 be deleted. It is an important innovation in the present Bill that we have made provision for surcharges and attachments. The clause reads thus :

> "(1) Where in the course of an audit under Section 22 or an inquiry under Section 43 or an inspection under Section 44 or the winding up of a society, it appears that any person who has taken part in the organisation or managemant of the society or any past or present officer of the society has misappropriated or fraudulently retained any money or other property or been guilty of breach of trust in relation to the society, the Registrar may, of his own motion or on the application of the Committee or liquidator or of any creditor or contributory, examine into the conduct of such person or officer and make an order requiring him to repay or restore the money or property or any part thereof with interest at such rate as the Registrar thinks just or to contribute such sum to the assets of the society by way of compensation in respect of the misappropriation, fradulent retainer or breach of trust as the Registrar thinks just".

[Mr. N. Ramakrishna Pillai]

This is an extraordinary power conferred on a single individual. There is no need for it. This matter could very well be dealt by ordinary courts. By conferring such powers on a single individual the protection vested in ordinary courts is ousted. The fact whether a society has fraudulently retained money or not is a matter that could be investigated by ordinary courts. The ordinary law is enough to investigate that point. Therefore there is no need to invest the Registrar with arbitrary powers. Further it is stated that the Registrar's authority is final. That means, for practical purposes, his decision will be considered as the final authority. It is open to the Registrar to punish any individual without reference to anybody. And there is no appeal against the decision. In this sense the power that is sought to be conferred is very extraordinary. Unless there is any need for it, there is no justification for enacting that provision.

Mr. K. Madhavan Pillai: I second it.

Mr. Kayalam Paramesvaran Pillai: I oppose the amendment. If it is the opinion of the member that this is a very extraordinary provision I may tell the member that it has been necessitated by extraordinary circumstances. It has been noticed here that the co-operative societies, at least many of them are, being run by presidents and secretaries who mismanage the affairs of the society. The management is not honest to the society. To be plain the moneys of the society go into their private pockets and they never come out. If a civil suit is launched upon that will unnecessarily protract the proceedings in respect of realisation of money. Therefore it is that extraordinary powers are proposed to be conferred upon the Registrar.

Mr. Ramakrishna Pillai is wrong in saying that the jurisdiction of civil courts is ousted. Sub-clause 2 will clear that point. If any person is aggrieved he has only to appeal to the District Court But, in this matter when we are discussing about the co-operative societies I will ask the plain question to Mr. Ramakrishna Pillai in whose interests he is pleading. Is it in the interests of the office bearers of the society; the secretary, the managing committee members or the president, or of the society? I appeal to this House to consider that the society must be saved from these dishonest persons and that there should be powers to protect the society.

Mr. V. S. Arumukham Pillai: I support the amendment. The learned Law Member wants this provision to be included on account of the extraordinary circumstances brought about in some of the societies by mismanagement. It is true that in many

primary societies and taluk banks there is a lot of confusion and complication arising on account of the fact that the managers and secretaries commit fraud. (Mr. Kayalam Paramesvaran Pillai, *hear, hear*). But my point is this. Is it justifiable on the part of the Law Member to invset the Registrar with such extraordinary powers on account of confusion arising in certain societies? My submission is that investing the Registrar with such powers is crushing the movement altogether. The question before us is whether the co-operative movement should prosper or not. If the Registrar is to be invested with extraordinary powers that means that the essence of co-operation *viz.*, the democratic principle, is to be done away with. In order to protect certain societies we are killing the principle altogether. Therefore my submission is that if there are such extraordinary circumstances and situations in certain places then we have got criminal courts and other remedies. It is wholly unjustifiable on the part of the learned Law Member to invest such extraordinary powers upon the Registrar. As I said just a little while ago, the fundamental principle of co-operation is based on democracy. Since the movement depends entirely upon true national workers and missionary zeal and enterprise, if the officers are invested with such extraordinary powers I do not think that real workers of zeal and enterprise will co-operate with officers who are simply filled with false dignity. It will not be conducive to the success of the movement. I seriously apprehend whether real and national workers will co-operate with the officers of the Co-operative Department; and their help is very essential to the success of the movement. Therefore, the justification of the Law Member to invest the Registrar with such extraordinary powers on the ground that certain societies are not working properly is baseless. Therefore I support the amendment and I appeal to the honourable members to delete the clause.

Mr. M. Govinda Pillai: In opposing the amendment I have only to reiterate what I have said and also inform the House that such a provision has been in existence in Bombay, Mysore, and Madras for the last several years, and that the movement in those places has not been crushed or killed; nor has it deterred or discouraged any true or national worker from working in the field of co-operation for the public welfare.

Mr. V. S. Arumukham Pillai: May I know whether, in the recent conference held at Trivandrum, this matter came up for discussion and the unanimous opinion was that this provision should be deleted from the Bill?

Mr. M. Govinda Pillai: I may inform the House that I am alive to that resolution. But at the same time, I may add that

[Mr. M. Govinda Pillai.]
there were several other conferences, more representative in character, where this provision has been accepted and approved.

Mr. V. S. Arumukham Pillai: I am referring to the Trivandrum Conference.

Mr. M. Govinda Pillai: I am referring to the other and more representative conferences. (*Laughter.*)

The motion that clause 54 be deleted was then put to vote and lost.

The question that clause 54 do stand part of the Bill was put to vote and carried.

The clause was added to the Bill.

Clause 55.

The question that clause 55 do form part of the Bill was then put to vote and carried.

The clause was added to the Bill.

Clause 56.

Mr. K. P. Nilakanta Pillai: I move that the existing clause 56 be deleted and the following substituted:—

"If any dispute touching the business of a society arises between members or past members of the society or persons claiming through a member or past member or between members or past members or persons so claiming and any officer, agent or servant of the society or between the society or its committee, and any officer, agent, member or servant of the society, it shall be referred to the Registrar for decision by himself or his nominee, or if either of the parties so desires, to arbitration of three arbitrators who shall be the Registrar or his nominee and two persons of whom one shall be nominated by each of the parties concerned."

I have adopted this clause from the Bombay Act without any change whatever. I do not think there can be any objection on the part of either the Registrar or the Law Member with regard to this clause. Both the clauses are more or less the same but with this difference. The existing clause says that the Registrar or his nominee or any officer empowered by Government in this behalf may decide the whole question and his decision shall be final. But in my amendment, following the Bombay Act, the following sentence is added:—"and two persons of whom one shall be nominated by each of the parties concerned". In the case of a dispute, the Registrar or any other nominee of his may go into the question and decide one way or the other. But in view of the other extraordinary powers which the officers of the Co-operative Department are proposed to be invested with under the provisions of this Bill, we can more or less understand the plight of a party where he has a real grievance in the matter. My amendment will enable the

aggrieved party, without prejudice to the other parties, to seek his remedy. Of course the aggrieved party has also to nominate one person.

Mr. M. Govinda Pillai : May I inform the member that such a procedu e is permitted under the existing rules also?

Mr. K. P. Nilakanta Pillai : But so far as this Bill is concerned, this absence is conspicuous. Unless it is done under the rule-making powers of Government, there is no provision for that. Why should the Registrar feel shy if under the rule-making powers, this is going to be done? I do not find that there can be any objection on the part of the Law Member to accept this amendment. With these words, I move the amendment for the acceptance of the House.

Mr. K. Madhavan Pillai: I second it.

Mr. Kayalam Paramesvaran Pillai : I oppose the amendment. It will be noticed from a careful reading of the clause that provision is made for any dispute being referred to an arbitration consisting of one or more arbitrators. It can be seen from sub-clause 2 (c) which reads thus :—

> "The Registrar may on receipt of such reference, subject to such rules as may be prescribed, refer it for disposal to an arbitrator or arbitrators".

The question whether it should be by one or by two arbitrators is a matter of detail. One practical difficulty in appointing many nominees, as Mr. Nilakanta Pillai wants, is this. Suppose one of the parties does not appoint an arbitrator. Suppose one party nominates an arbitrator and the Registrar also nominates; but the other party does not nominate. Then the whole procedure will become infructuous. One recalcitrant man can bring the whole procedure to nought.

Mr. K. P. Nilakanta Pillai : In the ordinary courts what is the procedure if a party does not appoint a Vakil?

Mr. Kayalam Paramesvaran Pillai : The court will hear the other side and come to a decision. But here where are the arbitrators to come from? Suppose one of the parties does not nominate. The body of Judges will not be complete; that is the difficulty. What will happen then? Therefore, the provision in the clause will remain as it is. If any of the parties wants the matter to be decided by arbitration, that provision will be applied to him. He will be given the benefit of an arbitration. But the details are not stated in the clause. That will be decided by the rules.

The amendment was put to the vote of the House and lost.

[Mr. Kayalam Paramesvaran Pillai.]

The question that clause 56 do form part of the Bill was then put to vote and carried.

The clause was added to the Bill.

Clauses 57 to 67.

The question that clauses 57 to 67 do form part of the Bill was then put and carried.

The clauses were added to the Bill.

Clause 68.

The question that clause 68 do stand part of the Bill was put to the vote of the House and carried.

Clause 68 was added to the Bill.

Clause 69.

Mr. N. Ramakrishna Pillai: I beg to move that clause 69 may be deleted.

There is no reason why the Companies Regulation alone should be mentioned here. I do not think it is the usual practice to refer to the provisions of other Regulations like this. I therefore move the amendment for the acceptance of the House.

Mr. M. Govinda Pillai: Sir, such a provision has been made in similar exactments and is continued in the existing Regulation also. Here it is inserted not because of any aversion to the Companies Regulation but with a view to avert legal complications by reference to the provisions of the Companies Regulation. As a matter of fact, lawyers who are in the managing committees of societies and banks, invariably invoke the aid of the provisions of the Companies Regulation whenever any controversy arises between the department and the institutions concerned. That brings about serious confusions and complicated litigation, which is a source of great danger to the movement. Unless some such safeguard is made in this Bill the tendency to invoke the aid of Company Law to interpret pr'nciples of Co-operative law and practice will become irresistible.

With these words, I oppose the amendment.

The amendment was put to the vote of the House and lost.

The question that clause 69 do stand part of the Bill was put and carried.

The clause was added to the Bill.

Clauses 70 to 73.

The question that clauses 70 to 73 do stand part of the bill was put to the vote of the House and carried.

The clauses were added to the Bill.

Clause 74.

Mr. N. Ramakrishna Pillai: I beg to move that in clause 74 as sub-clause (2) (*j*) the expression "prescribe rules for

the constitution of an Advisory Board to help the Registrar" may be added. In clause 47 sub-clause (4) there is a reference to an advisory board to help the Registrar. But no provision is made for the rules constituting an advisory board I move, therefore that this amendment may be accepted.

Mr. Kayalam Paramesvaran Pillai: I oppose the amendment. But the honourable member is quite correct in saying that in clause 47 it is provided that an advisory board may be prescribed. The provision is this :—

> "Before taking action under sub-section (1) in respect of any society, the Registrar shall in the prescribed manner consult such body of persons, if any, as may be prescribed by Our Government, in that behalf, regarding the action and regarding such other matters as may be prescribed".

It will be seen, from the definition clause that "prescribed" means rules prescribed by Government under this Regulation. It will also be seen that clause 74 (e e.) enables the making of rules to "provide for all matters expressly required or allowed by this Regulation to be prescribed as Rules". So then the requisite provision is there already.

The amendment was put to the vote of the House and lost.

The question that clause 74 do stand part of the Bill was put to the vote of the House and carried.

The clause was added to the Bill.

The question that clause 75 do stand part of the Bill was put to the vote of the House and carried.

The clause was added to the Bill.

PREAMBLE AND TITLE.

The question that the Preamble and the Title do stand part of the Bill was then put to the vote of the House and carried.

The Preamble and Title were added to the Bill.

Mr. Kayalam Paramesvaran Pillai: I now beg to move that the Travancore Co-operative Societies Bill be passed.

Mr. M. Govinda Pillai: I second it.

The motion was carried.

THE TRAVANCORE TRADE UNIONS BILL.

Mr. Kayalam Paramesvaran Pillai: I beg to move that the Travancore Trade Unions Bill, as passed by the Assembly, be taken up for consideration.

Mr. M. Govinda Pillai: I second it.

The motion was put to the vote of the House and carried.

Clauses 1 to 13.

The question that clauses 1 to 13 do stand part of the Bill was put to the vote of the House and carried.

The clauses were added to the Bill.

Clause 14.

Mr. A. N. Visvanatha Pillai (*Quilon* cum *Karunagapalli*): സർ, ഈ ബില്ലിൻെറ പുരോഗതിയിൽ ഏതെങ്കിലും പ്രതിബന്ധമുണ്ടാക്കുന്നതിനായിട്ടല്ല ഞാൻ ഈ ഘട്ടത്തിൽ ഈ ഭേദഗതി അവതരിപ്പിക്കുന്നതെന്നു ആദ്യമായി വിശദമാക്കിക്കൊള്ളട്ടെ. തൊഴിലാളികളുടെ സ്വാതന്ത്ര്യവും അവരുടെ അവകാശങ്ങളും സംരക്ഷിക്കുന്നതിനായി അവതരിപ്പിക്കപ്പെട്ടിരിക്കുന്ന ഈ ബിൽ ഇതേപടി പാസാക്കുന്ന പക്ഷം അവർ ഇപ്പോൾ അനുഭവിച്ചുകൊണ്ടിരിക്കുന്ന ചില അവകാശങ്ങളും സ്വാതന്ത്ര്യങ്ങളും അവക്കു നഷ്ടമാകുന്നതിനെ തടയുന്നതിനുവേണ്ടിയാണ് ഞാൻ ഈ ഭേദഗതി കൊണ്ടുവരുന്നതു. ആദ്യം ഈ ബിൽ അവതരിപ്പിച്ചപ്പോൾ അതിൻെറ "ഉദ്ദേശവും കാരണങ്ങളും' ആയി പറഞ്ഞിട്ടുള്ളതു ഇതു് വെറും ഒരു 'അനുവാദക' ബിൽ ആണെന്നാണ. എന്നാൽ ഇപ്പോഴാകട്ടെ, ബില്ലിൽ എല്ലാ ട്രേഡ് യൂണിയനും നിർബന്ധിതമായി രജിസ്റ്റർ ചെയ്യണമെന്നും അങ്ങനെ ചെയ്യാതെ പ്രവർത്തിക്കുന്നവരെ ശിക്ഷിക്കുന്നതാണെന്നും പറഞ്ഞിരിക്കുന്നു. ഈ വകുപ്പു തൊഴിലാളികൾ ഇപ്പോൾ അനുഭവിച്ചുകൊണ്ടിരിക്കുന്ന സ്വാതന്ത്ര്യത്തെ ഹനിക്കുന്ന ഒരു വകുപ്പാണ്. അതിനാൽ, ഇപ്പോൾ അവർ അനുഭവിക്കുന്ന സ്വാതന്ത്ര്യങ്ങൾ മേലിലും ഉണ്ടായിരിക്കത്തക്ക രീതിയിൽ ഈ ബില്ലിൻെറ ൧൪-ാം വകുപ്പ് (൨)-ാം ഉപവകുപ്പു എടുത്തു കളയണമെന്നുള്ളതാണ് എൻെറ ഭേദഗതി. ബ്രിട്ടീഷിൻഡ്യയിലെ നിയമത്തെ അനുകരിച്ചാണ് ഈ നിയമവും ഉണ്ടാക്കിയിരിക്കുന്നതെന്നു പറയുകയുണ്ടായി. എന്നാൽ അവിടത്തെ ബില്ലിൽ ഇപ്രകാരം തൊഴിലാളികളുടെ സ്വാതന്ത്ര്യത്തെ ഹനിക്കുന്ന തരത്തിലുള്ള ഒരു വകുപ്പേ ഇല്ല. തിരുവിതാംകൂർ ഫെഡറേഷനിൽ ചേരാൻ ആലോചിച്ചു കൊണ്ടിരിക്കുന്ന ഈ സന്ദർഭത്തിൽ ഇവിടത്തെ നിയമങ്ങളെല്ലാം ബ്രിട്ടീഷ് ഇൻഡ്യയിലെ നിയമങ്ങളോടു് തുല്യമായിരിക്കേണ്ടതാണ്. അങ്ങനെ ഇവിടത്തെ നിയമങ്ങൾ ബ്രിട്ടീഷ് ഇൻഡ്യൻ നിയമങ്ങളെപ്പോലെ ആക്കിത്തീർക്കുവാൻ ശ്രമം നടന്നു കൊണ്ടിരിക്കുന്ന ഈ സന്ദർഭത്തിൽ ഇപ്രകാരം അവിടത്തെ നിയമത്തിൽനിന്നും വ്യത്യാസമായ ഒരു നിയമം ഇവിടെ നിർമ്മിക്കുന്നതിനെപ്പററിയും നാം ആലോചിക്കേണ്ടതാണ്. ബ്രിട്ടീഷ് ഇൻഡ്യയിലെന്നല്ല, ലോകത്തിലെവിടെയെങ്കിലും ഇപ്രകാരം രജിസ്റ്റർ ചെയ്യാത്ത ട്രേഡ് യൂണിയനുകളുടെ സ്വാതന്ത്ര്യത്തെ തടയുന്ന ഒരു നിയമം ഉണ്ടായിട്ടുണ്ടോയെന്നു ഞാൻ ചോദിച്ചു കൊള്ളട്ടെ. ഈ

ബിൽ കൊണ്ടുദ്ദേശിക്കപ്പെട്ടിട്ടുള്ളതു് മുതലാളികളും തൊഴിലാളികളും തമ്മിലുള്ള തർക്കങ്ങളെ തീർക്കുക മാത്രമല്ല; തൊഴിലാളികളുടെ പല അവശതകളും പരിഹരിക്കുന്നതിനും അവർക്കു പല നന്മകൾ പ്രദാനം ചെയ്യുന്നതിനുംകൂടി ആണു് ഈ ബിൽ അവതരിപ്പിക്കപ്പെട്ടിട്ടുള്ളതു്. ഉദാഹരണമായി, വിദ്യാഭ്യാസം, ഇൻഷുറൻസ്, മരിക്കുന്നവരുടെ ശവദാഹം മുതലായി പല സംരക്ഷക പരിപാടികളും, ഈ ബിൽകൊണ്ടു അവർക്കു ലഭിക്കുന്നതാണ്. ബ്രിട്ടീഷ് ഇൻഡ്യയിൽ ൧൯൨൬-ൽ ആണ് ട്രെയിഡ് യൂണിയൻബില്ല് പാസായതു്. അതിനുശേഷം അവിടെയുണ്ടായ സംഘങ്ങളിൽ വളരെ എണ്ണമൊഴിച്ചു ബാക്കിയുള്ളവയെല്ലാം രജിസ്റ്റർ ചെയ്യാത്ത സംഘങ്ങളാണെന്നു വിററിലിക്കമ്മീഷൻ പറയുന്നു. ഈ രാജ്യത്തു് സാമുദായികമായും സാമ്പത്തികമായും രാഷ്ട്രീയമായും പല സംഘങ്ങൾ നിലവിൽ ഇരിക്കുന്നുണ്ടു്. അവയെല്ലാം രജിസ്റ്റർ ചെയ്യാതെ തന്നെ പ്രവർത്തിക്കുന്നതിനു് സ്വാതന്ത്ര്യം ഉള്ളപ്പോൾ തൊഴിലാളികളുടെ ഈ സംഘം മാത്രം എന്തിനായി രജിസ്റ്റർ ചെയ്യുവാൻ നിർബന്ധിക്കുന്നുവെന്നു് എനിക്കു മനസ്സിലാകുന്നില്ല. തന്നെയുമല്ല, മൂന്നു മാസത്തിനകം രജിസ്റ്റർ ചെയ്യാതിരിക്കുന്ന സംഘങ്ങളിൽ നിന്നും ഭീമമായ സംഖ്യ പിഴ ഈടാക്കുന്നതുമാണ്. ഇതു് ഇപ്പോൾ പ്രവർത്തിച്ചുകൊണ്ടിരിക്കുന്ന ട്രെഡ് യൂണിയൻസിന്റെ സ്വാതന്ത്ര്യത്തെ ഹനിക്കുന്നതാണെന്നു കാണാവുന്നതാണ്. ഇപ്രകാരം രജിസ്റ്റർ ചെയ്യാതെ നടത്തപ്പെടുന്ന സംഘങ്ങളുടെ സർട്ടിഫിക്കററു ക്യാൻസൽ ചെയ്യുന്നതിനുള്ള അധികാരം പോലും രജിസ്ട്രാർക്കുണ്ടു്. ഇത്ര വിപുലമായ ഒരധികാരം ഒരിക്കലും രജിസ്ട്രാർക്കു കൊടുക്കാൻ പാടില്ലാത്തതാണ്. ആ അധികാരം വിനിയോഗത്തിൽ ചിലപ്പോൾ സംഘങ്ങൾ നടത്താൻ തന്നെയും നിവൃത്തിയില്ലാതെ വരാം. രജിസ്ട്രാരുടെ തീരുമാനം അവസാനവുമാണ്. അതിന്മേൽ അപ്പീൽ കൊടുക്കുവാൻപോലും നിവൃത്തിയില്ല. ഈ ബിൽ പാസാകുന്ന പക്ഷം ഒരു സംഘം ഒരു സ്ഥലത്തു രജിസ്റ്റർ ചെയ്തു കഴിഞ്ഞാൽ ആ സ്ഥലത്തു മറെറാരു സംഘം രജിസ്റ്റർ ചെയ്യാൻ പാടില്ല. തൊഴിലാളികളുടെ പേരിൽ മുതലാളിമാർ തന്നെ ഒരു സംഘം ഒരു സ്ഥലത്തു് സ്ഥാപിച്ചു എന്നു വരാം. പിന്നീടു്, തൊഴിലാളികൾ തന്നെ ഒരു സംഘസ്ഥാപനത്തിനായപേക്ഷിക്കപ്പെടുമ്പോൾ അതൊരു തടസ്സമായി പരിണമിക്കുന്നതാണ്. ഈ വക കാരണങ്ങളാൽ ഈ ബില്ലിലെ ൧൪-ാം വകുപ്പിന്റെ ൨-ാം ഉപവകുപ്പ് എടുത്തു കളയേണ്ടതാണ്. അതിലേയ്ക്കു് എല്ലാ മെമ്പറന്മാരുടേയും ശ്രദ്ധയെ ക്ഷണിച്ചുകൊണ്ടു ഞാൻ വിരമിക്കുന്നു.

Mr. E. P. Varghese: I support the amendment moved by my friend Mr. Visvanatha Pillai. The bill, when it was introduced was proposed to be permissive. In the objects and reasons it is definitely stated that the legal position of trade unions which do not register, whatever it is, will be unaffected by this measure. In other words, the measure is purely permissive. But in view of the important previleges and immunities conferred upon registered trade unions by this measure and in view of the disabilities under which unregistered trade unions may labour, all Trade Unions will find it to their advantage to register themselves under this measure in spite of certain obligations imposed upon them by reason of such registration. And it was also stated in the objects and reasons " essential objects of this Bill is to safegua d the right of industrial combination whether for the purpose of improving the wages or conditions of labour or of increasing the profits of capital ".

It has also been stated that the essential purpose of the Bill is " to safeguard the right of industrial combination ". It has been with this definite object that the Bill has been introduced. But when it passed through the Select Committee, we find that an important amendment has been brought about, with the result that registration of Trade Unions has been made compulsory. That is the clause which is now sought to be deleted. Section 14 Clause (2) says —

" No trade union shall be formed or shall function, unless it is registered under the provisions of this Regulation ".

This is a provision which is detrimental to the interests of the trade unions, and the labourers who form those trade unions. It has been stated by the Whitley Commission that this right of combination is one of the most effective safeguards that labourers possess against exploitation by capitalists.

This right of combination is sought to be penalised at the very initial stage, because sub-clause 2 says that no trade union shall be formed or shall function unless it is registered under the provisions of this Regulation. Even the very formation of it is penalised. The provison says that it may function for a period of three months without registration ; but that is only with regard to existing trade unions. Considering the conditions of labour in Travancore, I do not think that there is any necessity for compulsory registration. When we compare it with what obtains in British India we find that there is absolutely no reason why there should be compulsory registration of trade unions here. Even the British Indian Act, on which this bill is purported to be based, does not contain such a provision. In the discussions on the Indian Trade Union Act, we find that some members sought for an extension of

the privileges of the registered trade unions to the unregistered trade unions too. They even wanted to go to that extent, but it did not succeed. What our Regulation purports is to restrict the power of combination which labourers possess now.

I have been trying to find out what the chief argument in favour of registration of trade unions is. I find that there is some suspicion that funds would be collected and misappropriated, if such a restriction is not enforced. There are only very few trade unions now in this country and at the very initial stage we are introducing compulsory registration I think that will be detrimental to the growth of trade unions and will undermine the very purpose of this legislation because this legislation is primarily meant to confer certain privileges and immunities on the trade unions formed by labourers and employers. It is primarily meant to enlarge their rights and privileges so that it does not appeal to me that so much of restriction should be placed even on its very formation If there is any fear that its funds would be misappropriated there is ample provision, when it applies for registration, to call for its accounts as provided in clause 5 (2).

> " Where a irade union has been in existence for more than one year before the making of an application for its registration, there shall be delivered to the Registrar, together with the application, a general statement of the assets and liabilities of the trade union prepared in such form and 5ontaining such particulars as may be prescribed. "

And section 7 says—

> " The Registrar may call for further information for the purpose of satisfying himself that any application complies with the provisions of Section 5 of that the trade union is entitled to Registration under Section 6 and may refuse to register the Trade Union until such information is supplied ".

Our trade unions have not advanced to such a stage as to collect large funds, as we find in the case of British Indian Trade Unions. In spite of the fact that they are able to collect very large funds and utilise them for various purposes, there is no provision in the British Indian Act compelling the trade unions to register. On the other hand, here it is penalised. If a union functions without being registered, it may have to pay a penalty of Rs. 500. This is very hard especially because it is in the interests of labour that we seek to legislate. Government have introduced four bills on this matter ; but somehow we are only dealing with one of them. It would have been better to have all the bills taken together. Anyhow, it is not for the purpose of obstructing or to see that the bill is not passed but because it is in the interests of labour, in whose interests Government also seem to have brought in this Bill, that this amendment is proposed.

Mr. S. Piraviperumal Pillai: May I know how registration is against the interests of labour ?

Mr. E. P. Varghese: When a trade union cannot function or even be formed without being registered you will find that in our country where trade unions are in its very infancy trade unions may not flourish. Labourers may not have the encouragement to undertake all these liabilities and restrictions.

Mr. M. Govindan. May I know whether any money payment has to be made for registration?

Mr. E. P. Varghese: There is a provision that a fee may be levied. The only argument which I have found is that there is likelihood of misappropriation. But, as I submitted, labour is not very much advanced in our country so that one may not be very much afraid that there will be collection of funds on a large scale. There are various associations formed here, but do we compel them to get registered? These associations also collect large sums of money and utilise them.

Mr. Komilezhuthu Sankaran (*Nominated*): May I know whether, instead of deleting the whole, the member will be satisfied with the words "no trade unions shall be formed"?

Mr. E. P. Varghese. No; because that will not serve the purpose, If a trade union is formed it should function. We do not legislate for dead trade unions which do not function. The whole purpose of the union is carried out when it functions; and unless it functions there is no use of formation. But what I was saying is that even the very formation is penalised here. We do not find a parallel anywhere else. Labour associations which are now in existence have all protested against this measure.

Mr. S. Piraviperumal Pillai: May I know what exactly is the difficulty?

Mr. E. P. Varghese: In the matter of legislation it brings upon the unions certain liabilities and also puts the Unions under restrictions. Labourers form themselves into an association to safeguard their rights and privileges, and if you ask them to get themselves registered, it may not serve their purpose. They may not be able to get the union registered under this Regulation. The Registrar may take them to task, and the safe-guarding of their interests will be prevented.

Mr. S. Piraviperumal Pillai: Does not the member realise that the poor labourers will be exploited, if unions are not registered?

Mr. E. P. Varghese: No, because the union is expected to protect their interests. If you want to bring in restrictions at the very outset, they will not be able to form at all. Many associations may cease to exist.

Mr. S. Piraviperumal Pillai : Does not the member feel that if the union is not registered, sham unions will be formed to exploit labourers?

Mr. E. P. Varghese: As the Whitley Commission has remarked, it is to safeguard themselves against the exploitation, that we are giving the right and freedom of combination ; and, if you restrict such combination even at the initial stage, that will give greater room for capitalists to exploit them. It is easier for capitalists to form trade unions than the poor labourers. Labourers, if they are not allowed to form unions, will be put to great hardship, and the capitalists will have their free play. I do not find what is the necessity to register. It is better to have registration voluntary. An association may or may not register itself. If it is registered, it will have certain privileges and immuities. If they want to enjoy them, they will surely come in for registration. But to penalise a Union, because it is not re-registered, is going a bit too far, especially under the conditions prevailing here.

If they want to enjoy the privileges, they will register themselves. If they do not want to enjoy, why should they be punished? In the objects and reasons to the Bill, it has been stated that they will be attracted to register themselves. If they do not register themselves, why should you penalise them? Make this a permissive legislation. That is my request to the House. The House should consider the interests of labour. Labour is not represented in this House. Therefore, any amount of care bestowed will not be too much. There is no special advocate of labour here.

Mr. Eric Hall (*Travancore Planters* : It has been stated that there is no representative or advocate of labour in this House. I represent employers of about 2 lakhs of Indians, and I am here on behalf of those 2 lakhs of Indians.

President : The honourable member is only entitled to make a personal explanation just now, and not a speech.

Mr. Eric Hall I consider that registration is necessary.

President : Order, order. You can speak in your turn, Mr. Hall.

Mr. E. P. Varghese: I did not catch what my friend was saying.

President : He was saying that he represents labour in a very real sense.

Mr. E. P. Varghese : I think he is the representative of planters.

President : Also.

Mr. E. P. Varghese: The planters represent the capitalists rather than the poor labourers. Though the trade unions' Bill is intended to affect them the employers unions too may be directly brought under this Bill. In the face of all these facts, I would request the House to support the amendment. When we are trying to confer certain rights and privileges, we should not restrict the right they already possess. They possess the right to combine. Sub-clause (2) of Clause 14 seeks to confer certain privileges and immunities only on registered trade unions. For that, the labourer has to put himself under certain restrictions. No pains no gains. Let us not take away what he possesses already. When there are registered societies, Government as well as employers will be inclined to give greater weight to registered societies. The labourer is a poor man. It is a very difficult task for him to combine. Half-a-dozen persons may combine and carry on a labour association. There are not many associations in our country. We know how they are carrying on.

Mr. Komilezhathu Sankaran: I wish to know from the member who under the present circumstances, obtaining in Travancore, actually leads the labourers.

Mr. E. P. Varghese: Those who know something about labour conditions.

Mr. Komilezhathu Sankaran: Are they not capitalists who lead them?

Mr. E. P. Varghese: Sometimes there is exploitation by the capitalists, and sometimes some labourers themselves are leading.

Mr. Komilezhathu Sankaran: In view of the existing circumstances, is it not advisable for the labourers to register themselves?

Mr. E. P. Varghese: They need not be prevented from registering. Only do not penalise them. Let them grow; let them advance; and let them learn how to work a trade union. And then, we can ask them to register themselves. You will find that there is a provision later on that only three-fourths of the managing body need be members of that particular trade. The remaining may be from outside. So, clever men can go into the union and lead them. If they have got confidence in those men, why not allow them to lead? No harm is done to the labourer. Labourers have in their meeting protested against this compulsory registration We do not find anybody supporting compulsory registration.

Mr. Komilezhathu Sankaran: May I know whether the member can cite the name of any labourer who presided over a labour meeting?

Mr. E. P. Varghese: I have not myself attended any labour meeting.

Mr. M. N. Paramesvaran Pillai: Does not the right kind of capitalist lead the labourers?

Mr. E. P. Varghese: If the labourers have confidence in the capitalist, why not the capitalist lead them.

Mr Kayalam Paramesvaran Pillai: What is the guarantee that the labourer will find out the right kind of capitalist?

Mr. E. P. Varghese: Labourers here are much more educated than those in British India. Newspapers in Travancore are very cheap and every man is acquainted with the politics of this State. Under these circumstances, I am justified in thinking that the labourer knows what is right. I request the House to support my amendment.

Mr. Eric Hall: Sir, after working for nearly thirty years among labourers, I know the inside of their minds very well. I am sure the cooly class, the workers and the agriculturists, of whom we have about two lakhs, will appreciate the benefits of registration and will know that it is better to do things in a constitutional manner. I consider that, in the interests of the labourers, they should be compelled to register their unions. Only then will they know where they are. The exploitation of these illiterate classes by outsiders is nothing new. If a trade union is registered, there could be no exploitation. As the representatives of the capitalists class—as I am described to be—I consider that the labourer is my friend. It is my privilege to look after the labourer. I think all my planting friends will support me. I do not know the meaning of the word capitalist. It seems to me that it is a disgraceful word. I represent the planting community; they are not capitalists. Let those trade unions be registered, so that we will be able to look after the interests of the labourer, whose interests are really ours.

Mr. M. Govindan: Sir, Mr. Hall claimed that he represented the labourer because he is employing labour. I claim that I represent labour because I am working for the welfare of the Harijans—not that I am employing labour and trying to promote my interests. I want to promote their interests. Mr. Varghese pointed out that when the Government introduced the Bill just a year ago, they did not think it necessary at all to compel registration of trade unions. I am taking a quotation from the Statements of Objects and Reasons:

> "The legal position of trade unions which do not register whatever it is, will be unaffected by this measure. In other words, the measure purely permission."

[Mr. M. Govindan.]

This was the idea of Government when they introduced the Bill. I ask whether within this short time there was such a mushroom growth of trade unions, and such facts observed in their conduct that compulsory registration was required. In the matter of voluntary association of labourers to look after their own interests, often times, the best judges are themselves. Even the poorest man knows his interest more than others—either the welfare worker or the employer. As Mr. Sankaran suggested by this question, there are learned men who preside over meetings and give very questionable advice at times. That may be true; but it cannot be denied that the labourer is the best judge of his own interest. Now, Sir, if this compulsory registration is introduced, it will certainly be felt as a handicap. The labourer does not know how to put in an application for registration. He has to depend upon somebody else. And then, several formalities are necessary. Therefore, let us allow them to develop spontaneously. Let us see how these organisations are working for some time. Allow them time. It is only now that the Travancore labourer has found that combination is good to him. No mentionable strikes which will bring any department of Government to checkmate their work has taken place. Why should we impose this restriction upon these infant trade unions, the number of which as I ascertained from the Law Member in confidence—I believe I am not violating the confidence—is only four.

For the sake of four associations formed in some part of Travancore, why should we make registration compulsory. I have come across such compulsory registration in the case of formation of tens of thousands of societies. Under these circumstances, to enact a special law for the sake of four societies or so, is too premature whatever may be the opinion of Mr. Eric Hall on the subject. To think of imposing compulsory registration in the case of those societies is a proposition that I cannot approve of. With all respect for the observations expressed here, my submission is that such a compulsion would kill the spirit of genuine and spontaneous growth of trade unions. Therefore, I have great pleasure in supporting the amendment.

Mr. Kayalam Paramesvaran Pillai: Sir, I oppose the amendment. But, at the same time let me say that I am prepared to be converted by the debate on this motion. Mr. Govindan stated just now that we have only four associations at present and therefore it is premature to make registration compulsory. I should think that we have only four associations, is exactly one reason

why we may make registration compulsory now. A trade combina ion is not a bad thing, I am prepared to say, but registered trade associations would be better. If there are about four associations now as was stated the compulsory registration provision will effect only these immediately ; and these bodies will tend to become very good organisa ions of respectable status that may be recognised and dealt with by Government, the public and the employers as known definite bodies. It may be stated with confidence that we have started on the road to an industrial era which we may reach in the near future, and very soon there will be labourers employed in increasingly larger numbers. The occasions will arise then for settling industrial disputes and discontent that may arise between the employer and the employees.

Mr. E. P. Varughese: Do not these conditions exist in larger measure in British India ?

Mr. Kayalam Paramesvaran Pillai: That is the reason why I say that even now we should begin with compulsory registration. The labourers now form a comparatievly small but compact body. If there are unregistered trade unions, any person may come forward and say that he represents a particular group of labourers and perhaps these may be but pretenders.

Mr. G. Narayana Aiyar: May I know the number of labourers in Travancore ?

Mr. Kayalam Paramesvaran Pillai: Put it say at some fifty thousand, excluding of course the agricultural labourers.

Mr. S. Piraviperumal Pillai: Why is it that compulsory registration was not introduced when the Bill was first brought up for discussion ?

Mr. Kayalam Paramesvaran Pillai: The subject matter is one on which there is room for difference of opinion. The Government were not themselves prepared to bring in a measure to compuls rily register trade unions. But the Assembly introduced the provision in the Bill and we are just now dealing with a Bill as passed by the Assembly and in the Assembly the labour interests were specially represented. The present provision was introduced with the assent of the representative of labour interests.

Mr M. Govindan: May I know, how many represented the labour interests there ?

Mr. Kayalam Paramesvaran Pillai: One represented labour interests, and another capitalists' interests. Both of them were in favour of this provision The Government were quite disinterested in the matter. They only want to advance the cause of labour in every possible way without creating unnecessary

[Mr. Kayalam Paramesvaran Pillai.]

resistances. It was considered advantageous not to give scope for this man or that man at random to come forward and say that he represents labour interests and that if all trade unions are registered there would be no scope for pretenders to come forward. That evidently was the idea of the Assembly. Government were not prepared to think that the Assembly was wrong.

Mr. S. Piraviperumal Pillai: Am I to take it therefore that, till the Government were made to do this by the representa, tives of the people, their idea was not to put in compulsory registration ?

Mr. Kayalam Paramesvaran Pillai: Government at the outset thought that it would be enough to put it as a permissible measure as is done elsewhere. Even now I say that I am prepared to be converted by the debate. But I must oppose it now and I would say that it were far better that there were some definite tests by which the status of unions may be recognised by Government and the public. If there are only registered bodies, a pretender cannot come and say that he is working on behalf of labour, and so the fear of unnecessary complications can be avoided. It is only conducive to the interests of labour that nobody other than registered ones should be allowed to voice their cause. If there had already been many labour associations in existence, and if compulsory registration provisions were adopted, then, it may be apprehended to cause some hardship to them. But, it was stated that there are only some four associations or so at present and too the conditions of registra ion, are not at all onerous. The Government will certainly make it very easy for these and future associations to comply with the registration provisions.. Considering the smallness in the number of the existing associations. I would ask, why not we compel them to get registered at once? The only argument advanced in reply today was the theoretical right of every person to combine without any such artificial restrictions ?

Mr. M. Govindan: What is the approximate fee for registration ?

Mr. Kayalam Paramesvaran Pillai: It is not fixed yet and I am prepared to consider any suggestion that honourable members may make in this respect.

Mr. A. N. Visvanatha Pillai: Is there any penalty fixed in case an association is unwilling to register ?

Mr. Kayalam Paramesvaran Pillai: No, unless the association wants to continue, to function. The Government would make the registration as easy as possible so that every body

may come forward and register. The point is this, let us not allow interlopers to come and say that they represent labour. Let there be some recognised body to say that. As regards objection based on the theoretical right of every citizen to combine for any purpose, I would refer the house to the Companies Regulation for example which lays down that certain number of people cannot combine themselves unless they get registered.

Mr. E. P. Varghese: Was it not because it was considered to be a profit-making body?

Mr. Kayalam Paramesvaran Pillai: May be. But none-the-less, on theoretical considerations it may be asked, is it not the right of every body to continue to make a profit. It will be seen therefore that theoretical considerations cannot take us anywhere. The real question is whether this provision can be justified on public grounds? The theoretical right of every person to combine without any restriction, is but an academical argument. If I had heard, for instance an argument that the compulsary registration provision will hamper the growth of labour associations, I could very well understand it.

Mr. G. Narayana Aiyar: May I know whether the majority of labourers are literates or illiterates?

Mr. Kayalam Paramesvaran Pillai: Mr. Varughese stated that the labourers here are a set of thinking people. And I do not think he is quite wrong. I think that they are quite alive to their rights and they are able to combine in protection of their interests. If it be so, why not they register all their unions.

Mr. Komilezhathu Sankaran: How can a corporate body combine for the purpose of making profit?

Mr. Kayalam Paramesvaran Pillai: If they want to function as trade unions, they must get registered.

Mr. Komilezhathu Sankaran: How is registration possible without the members combining?

Mr. Kayalam Paramesvaran Pillai: They combine and get registered. As said already if there were anything to show that this provision would really hamper the progress of labour interests, I am prepared to take it away. But I did not hear anything of the kind as yet.

Mr. E. P. Varghese: May I know whether the Government would remain neutral in this matter?

Mr. Kayalam Paramesvaran Pillai: They will hear the debate and then decide.

Mr. Komilezhathu Sankaran: Clause 11 says, :—

[Mr. Komilezhathu Sankaran.]

> "Any person aggrieved by any refusal of the Registrar to register a trade union or by the withdrawal or cancellation of a certificate of registration may, within such period as may be prescribed, appeal to the High Court".

I wish to know how a trade union that is not registered can appeal to the High Court?

Mr. Kayalam Paramesvaran Pillai: Is it a criticism of the provision already passed?

Mr. Komilezhathu Sankaran: According to clause 14, sub-clause 2, no trade union shall be formed or shall function unless it is registered under the provisions of the Regulation, and according to clause 11, any person aggrieved may appeal to the High Court. In what capacity is the appeal to be preferred? Is it in the capacity of representative of a trade union?

Mr. Kayalam Paramesvaran Pillai: Any person aggrieved can appeal.

Mr. Komilezhathu Sankaran: Can any member of a trade union do it?

Mr. Kayalam Paramesvaran Pillai: Provided that there is already a trade union and that union is aggrieved.

Mr. S. Piraviperumal Pillai: Does the definition of tade union include the Government servants' association also?

Mr. Kayalam Paramesvaran Pillai: That will be decided when the question arises.

Mr. Varghese suggested that we can compel registration later on. He implies thereby perhaps that registration is good on the merits. If that is his view then I would point out that this is a better opportunity to put in compulsory registration provisions because there are not many labour associations as yet.

Mr. E. P. Varghese: Will not the expense to be incurred in connection with compulsory registration, be a handicap to the growth of trade unions? If unfortunately some of the unions functioning now are asked to pay a penalty of Rs. 500 will it not hamper the growth of further associations?

Mr. Kayalam Paramesvaran Pillai: For registration, they have only to pay a fee, which Government are prepared to put at a low figure.

Mr. E. P. Varghese: What is the danger in allowing trade unions to function without registration?

Mr. Kayalam Paramesvaran Pillai: Registration will add to the status of the union and it will not be possible for any unauthorised person to pose himself as the mouth-piece of labour interests.

President: The discussion will be continued tomorrow Before adjourning, I may say that, judging from what I consider to be the attitude of the non-official members, a non-official day will be added on in the expectation that the official business will be over by a few hours in the morning.

The House will now adjourn and meet again tomorrow.

The Council adjourned at 4.30 P. M.

P. PARAMESVARAN PILLAI,
Secretary to the Sri Chitra State Council.

PROCEEDINGS
of
THE TRAVANCORE SRI CHITRA STATE COUNCIL
(*OFFICIAL REPORT*)
FIRST COUNCIL.

VOLUME IX—NUMBER 8.
NINTH SESSION—1937|1112.

Wednesday, the 17th March, 1937|4th Meenom, 1112.

The Council met in the Victoria Jubilee Town Hall at Eleven of the Clock with Sachivottama Sir C. P. Ramaswami Aiyar, K. C. I. E., Dewan—President, in the Chair.

MEMBER SWORN IN.

Mr. K. R. Narayana Aiyar, B. A., M. SC. F. C. S., (Director of Agriculture and Fisheries), took the oath and signed the Rolls.

QUESTIONS AND ANSWERS.

Opening a road from Puthencruz to Puthenchunkam.

141. ***Mr. G. Narayana Aiyar** (*Kunnatnad* cum *Parur*): Will the Government be pleased to state :

(*a*) whether they have received a memorial from Fr. K. Geevarghese and others of Brahmapuram, Kunnatnad taluk, for the opening of a road from Puthencruz to Puthenchunkam ;

(*b*) if the answer to part (*a*) is in the affirmative, when that memorial was received and what action has been taken by the Government in the matter ;

(*c*) whether it is a fact that the Chief Engineer has reported that the opening of the said road is necessary ; and

(*d*) if the answer to part (*c*) is in the affirmative, when the report of the Chief Engineer was received and what orders have been passed by the Government in the matter ?

G. P. T. 2739. 350. 29-10-1112.

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai (*Chief Secretary to Government*): (*a*) Yes.

(*b*) In July 1929; the memorial was forwarded to the Chief Engineer for report.

(*c*) No. But he reported on 1-8-1935 the approximate cost of constructing the road.

(*d*) The Chief Engineer has been asked to move for administrative sanction.

Memorial from the Arayans of Munambam for registry of Kayal poramboke.

142. ***Mr. G. Narayana Aiyar**: Will the Government be pleased to state:

(*a*) whether they have received a memorial from the Arayans of Munambam village, Vadakkekara pakuthi, Parur taluk, praying for the registry of *kayal poramboke* in their names for fishing purposes, and, if so, when the memorial was received and what action was taken by the Government in the matter;

(*b*) whether it is a fact that the said *poramboke* has since been trespassed upon by Christians contrary to the Government order No. 18380/1926, dated 11-11-1926, which sanctioned the registry of 30 acres in the names of the co-operative societies of depressed classes and Arayans; and

(*c*) whether it is a fact that the Registrar of Co-operative Societies and the Tahsildar, Parur, recommended that the registry should be in the names of the Arayan petitioners?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai (*a*) Yes, on 13-8-1111. Orders have been issued for the removal of the encroachments so that the land might be made available for the common use of all concerned.

(*b*) No orders of Government as quoted are forthcoming. It is reported that some Christian fishermen have squatted on the land.

(*c*) No.

Mr. G. Narayana Aiyar: With reference to part (*a*), may I know whether after the memorial any part of the Kayal has been registered to the Arayans?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: No portion of the particular plot referred to in the question has been registered.

Mr. G. Narayana Aiyar: May I know whether any part of the Kayal poramboke of the Munambam village has been registered?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: I claim notice.

Transfer of Municipal funds to Government by the President of the Trivandrum Municipal Council.

143. ***Mr. M. N. Paramesvaran Pillai** (*Municipal Councils*): Will the Government be pleased to state:

(*a*) whether they have directed the President of the Trivandrum Municipal Council to place at their disposal a lakh of rupees from the municipal funds for the maintenance of the Willingdon Water Works, Trivandrum, and, if so, under what provision of law;

(*b*) whether the President of the Council has handed over to Government the said amount as per their direction;

(*c*) whether the President has taken the permission of the Council to so transfer the money;

(*d*) wherefrom the amount was transferred, from what items of municipal funds, and how was the transfer effected;

(*e*) whether any portion of the fixed deposit in favour of the Council in the Government Treasury was withdrawn or adjusted before the date of its maturity for meeting the demand;

(*f*) whether the President has taken the permission of the Council to transfer or adjust the fixed deposit in the manner he has done;

(*g*) whether the rules governing fixed deposits permit such transfer before the date of maturity;

(*h*) whether the Government have accounted to the Council the amounts due from them during 1111 under;

(i) water-tax on Government buildings;

(ii) the cess collected by the Water-Works and Drainage Engineer both from Government and from the private consumers for water taken for domestic as well as for non-domestic purposes;

(iii) amount realised along with applications for water connection; and

(iv) supervision charges realised by the Water-Works Department for giving house connections, &c.;

(*i*) what is the total amount so due; and

(*j*) whether that amount has been placed to the credit of the Municipal Council as yet?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: (*a*) Yes. Under Section 199 (3) of Regulation X of 1108 and 30 (1) of the Municipal Regulation, V of 1095.

(*b*) Yes.

(*c*) No.

(*d*) At the instance of the President, Municipal Council, Trivandrum, the Sub-Treasury Officer, Trivandrum, was instructed by the Account Officer to adjust one lakh of rupees out of the Council's surplus, including fixed deposits (not matured), to the credit of the Willingdon Water-Works.

(*e*) Yes.

(*f*) No.

(*g*) Yes.

(*h*) (i). The water-tax on Government buildings has to be collected by the Municipal Council.

(ii) Yes.

(iii) No.

(iv) No.

(*i*) and (*j*). During 1111, a sum of Rs. 17,659-18-5 was placed to the credit of the Trivandrum Municipality being the collections from meter ratings for that year. The income from other items will be credited shortly.

Mr. M. N. Paramesvaran Pillai: With reference to answer to part (*a*), may I know whether there is any provision under Section 199 empowering Government to direct the Municipal President to part with the Municipal funds?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: Section 199 (3) lays down that the amount of contribution shall be paid by the Council to Our Government.

Mr. M. N. Paramesvaran Pillai: May I know whether independent of the Council the President has got any authority to part with the funds?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: Government gave the order and the President carried it out. The question about the contribution of a lakh of rupees was referred to the Council and they passed a resolution refusing to make the contribution. Government therefore gave orders to the President to pay up the amount and he did so.

Mr. M. N. Paramesvaran Pillai: May I know under what provision of the law they have empowered the President, Municipal Council, to do so?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: Under Sections 199 (3) and 30 (1)

Mr. M. N. Paramesvaran Pillai: May I know which is that particular part of the Section which gives such a power to the President?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: Section 30 (1).

Mr. M. N. Paramesvaran Pillai: May I know whether under Section 30 (1) the President or the Government has got power to part with the municipal funds like that?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: The President has got the power to carry out the orders of Government.

Mr. M. N. Paramesvaran Pillai: May I know whether a resolution was not passed requesting the President to report to cancel the order of Government ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: Not after the resolution was passed but subsequent.........

Mr. M. N. Paramesvaran Pillai: May I know whether the President has got power to make such a report after the resolution is passed ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: It is then that the President has to report to Government.

Mr. M. N. Paramesvaran Pillai: With reference to answer to part (*b*), may I know whether there is a rule in the Account Code that the depositor should make a declaration that he will not withdraw the funds before the period expires ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: There is no specific rule that the depositor should not be allowed to withdraw money before the deposit matures.

Mr. M. N. Paramesvaran Pillai: May I refer the member to the rule in the Account Code which says that the depositor shall not withdraw his deposits before the expiry of the time ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: The deposit can be withdrawn before it matures under the specific orders of Government.

Mr. M. N. Paramesvaran Pillai: May I know under what authority the President adjusted this amount before the period expired ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: Under the orders of Government.

Mr. M. N. Paramesvaran Pillai: May I know whether the President has issued any orders ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: Government have ordered and not the President.

Mr. M. N. Paramesvaran Pillai: May I know in whose name the money was deposited ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: In the name of the Municipal Council.

Mr. M. N. Paramesvaran Pillai: May I know whether there was any resolution passed empowering the President to do so?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: The President is the administrative head of the Municipal Council who has to carry out the orders of Government.

Mr. M. N. Paramesvaran Pillai: May I know whether he has got power to transfer the funds of the Council ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: Government ordered the transfer and the President carried out that order.

Improvement of Chittakkottukulam.

144. ***Mr. N. K. Padmanabha Pillai** (*Neyyattinkara* cum *Nedumangad*): Will the Government be pleased to state:

(*a*) whether they have received petitions from the inhabitants of Chittacode, Neyyattinkara pakuthi, regarding improvement of Chittakkottukulam (ചിറ്റക്കോട്ടുകുളം) in that pakuthi; and

(*b*) if so, the action taken in that matter?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: (*a*) No.

(*b*) This does not arise.

Employees in the Education Department.

145. ***Mr. Tariatu Kunjitomman** (*Nominated*). (1) Will the Government be pleased to lay on the table, a statement, by caste, of clerks in the Education Department?

(2) Will they be pleased to lay on the table a statement, by caste, of officers in the Education Department drawing a pay of Rs. 100 and above?

Mr. C. V. Chandrasekharan (*Director of Public Instruction*): (1) and (2) The *statements asked for are placed on the table.

Shifting of the Parur District Court.

146. ***Mr. Tariatu Kunjitomman**: Will the Government be pleased to state whether they have taken any steps to shift the Parur District Court to the centre of that District?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: No; there has been no such proposal.

Rates of charges given to the piece-workers of the Government Press.

147. ***Mr. E. P. Varghese** (*Nominated*): Will the Government be pleased to state:

(*a*) what are the rates of charges given to the piece-workers of the Government Press according to the piece-work schedule of the Government Press for (i) authors' correction and (ii) alteration of standing pages;

(*b*) whether the piece-workers were given these rates during each of the seventeen months previous to Dhanu 1112; and

(*c*) whether they were given any reduced rates during the period, and, if so, what was the rate of reduction?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: (*a*) The member is referred to the piece-work schedule, copy of which is placed on the Secretary's table.

(*b*) Yes.

(*c*) No.

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*Vide appendix I.—page 587

Mr. E. P. Varghese: With reference to answer to part (*a*) May I know whether the piece work schedule is available to the workers for reference ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: It is printed and the piece workers can get a copy of it if they want it.

Piece-work schedule of the Government Press.

148. ***Mr. E. P. Varghese:** (*a*) Will the Government be pleased to lay on the table a copy of the piece-work schedule of the Government Press ?

(*b*) Will the Government be pleased to state the date on which this schedule was sanctioned, whether any alterations have been made by Government in it since then, and, if so, when and what ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: (*a*) A copy of the piece-work schedule is laid on the Secretary's table.

(*b*) The schedule was sanctioned is May 1925. The alterations made are incorporated in the schedule.

Statement of work done by the piece-workers in the Government Press and the remuneration paid to them.

149. ***Mr. E. P. Varghese:** Will the Government be pleased to lay on the table a statement showing for each of the months of Karkatakam 1111 and Chingam and Kanni 1112 :

(*a*) the number of lines set up by the piece-workers ;

(*b*) the number of hours of author's correction done by them;

(*c*) the number of formes composed by them ;

(*d*) the number of lines in standing pages altered by them ;

(*e*) the charges computed by the Press for each of the above items ;

(*f*) the amounts objected to by the Account Office in each of those items ;

(*g*) the total monthly bill from the Press for the piece-workers for all their work ; and

(*h*) the amounts actually received by them in those months ;

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: (*a*), (*c*) and (*d*) The number of lines set, the number of formes imposed and the number of lines in standing pages altered all combined reduced to standing pages of foolscap folio came to

	Karkatakam	1111	...	3,758 pp.
	Chingam	1112	...	2,996 „
	Kanni	1112	...	3,888 „
(*b*)	Karkatakam	1111	...	891 hours.
	Chingam	1112	...	618 „
	Kanni	1112	...	487 „

				Rs.	Ch.	C,
(e)	Karkatakam	1111	...	2,592	5	1
	Chingam	1112	...	1,623	10	9
	Kanni	1112	...	2,125	11	12
(f)	Karkatakam	1111	...	6	27	2
	Chingam	1112	...	20	20	12
	Kanni	1112	...		Nill	
(g)	Karkatakam	1111	...	5,175	14	2
	Chingam	1112	..	3,673	6	13
	Kanni	1112	...	4,144	13	0
(h)	Karkatakam	11.1	...	5,181	15	10
	Chingam	1112	...	3,652	14	1
	Kanni	1112	...	4,144	13	0

Months during which the piece-workers were paid before the 10th of the month.

150. ***Mr. E. P. Varghese**: Will the Government be pleased to state the months during the last three years when payment to the piece-workers has been made before the 10th of the month?

Rao Bahadur Rajyasevanirata Dr. N Kunjan Pilla:

Vrischikam	...	1110
Karkatakam	...	1109
Vrischikam	...	1110
Medam	...	1110
Kanni	...	1111
Vrischikam	...	1111
Vrischikam	...	1112

Work tickets of the piece-workers in the Government Press.

151. ***Mr. E. P. Varghese**: Will the Government be pleased to state:

(a) whether all the work tickets of the piece-workers of the Government Press are duly entered without exception;

(b) whether any of them are destroyed, and

(c) the reasons for which any work ticket is destroyed?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: (a) There are no work-tickets kept for the piece-workers of the Government Press.

(b) & (c) In view of the answer to part (a) these do not arise.

Grievances of piece-workers of the Government Press re leave, holiday allowance, etc.,

152. ***Mr. E. P. Varghese**: Will the Government be pleased to state :

(*a*) whether the piece-workers of the Government Press have memorialised the Government in July 1934, June 1935 and 29th Meenam 1111 for the redress of their grievances regarding leave and holiday allowance, etc., and

(*b*) whether Government have considered the memorials ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: (*a*) Yes.

(*b*) The memorials are under consideration.

Rural reconstruction in Travancore.

153. **Mr. M. N. Narayana Menon** (*Kottayam*): Will the Government be pleased to state :

(*a*) whether they have introduced any scheme of rural reconstruction ;

(*b*) whether they are aware that several co-operative societies are doing rural reconstruction work in Travancore ; and

(*c*) whether they propose to give any aid to such societies ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: (*a*) No. But one of the earliest duties of the reconstituted Economic Development Board will be the organisation of rural reconstruction work in selected areas, preferably through non-official agencies.

(*b*) Government understand that a few co-operative societies propose to undertake rural reconstruction work.

(*c*) The question will be considered if and when the occasion arises.

Export duty on copra.

154. ***Mr. M. N. Narayana Menon**: Will the Government be pleased to state:

(*a*) the year in which export duty on copra was first imposed.

(*b*) the amount of revenue of the Travancore Government at that time ;

(*c*) the amount realised in each of the last five years in the shape of export duty on *copra* ;

(*d*) whether the Legislature has passed any resolution for abolishing the export duty on *copra* ;

(*e*) if so, whether any action has been taken thereon ?

Mr. C. O. Madhavan : (*Excise Commissioner*) :

(*a*), & (*b*) Information is not available.

(*c*) A *statement furnishing the required information is laid on the table.

(*d*) Yes.

(*e*) Government consider that, in view of the present position of the finance of the State and the condition of the cocoanut oil and coir mats and mattings industries in the State, the resolution cannot be accepted. The tariff values of *copra*, cocoanuts cocoanut oil and *punnac* have however been considerably reduced with effect from 1-1-1110.

Number of voters according to the new electoral rolls.

155. ***Mr. E. P. Varghese** : Will the Government be pleased to state :

(*a*) the total number of voters for the Assembly according to the new electoral rolls in the following constituencies ;

(1) Ambalapuzha *cum* Shertalai ;
(2) Trivandrum *cum* Neyyattinkara ;
(3) Kalkulam *cum* Vilavankod ;

(*b*) the total number of voters among the communities for whom seats are reserved in these constituencies ; and

(*c*) the total number of voters for the Council in Kalkulam cum Vilavankod cum Neyyattinkara constituency and the number of Latin Catholic voters among them according to the new electoral rolls ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai :

	Ambalapuzha cum *Shertallai*	*Trivandrum* cum *Neyyattinkara*	*Kalkulam* cum *Vilavankode*
(*a*) Total number of voters ...	34,828	27,975	35,890
(*b*) Ezhavas ...	7,320	3,492	
Latin Catholics ...	2,300	523	2,920
Muslims	2,730		
(*c*) Total number of voters ...	4,144		
Latin Catholics ..	115		

The above statistics are according to the preliminary electoral rolls.

**Vide* Appendix II. page 588.

Appendix I.

Vide Answer to Question No. 145

(1) Statement, by caste, of clerks in the Education Department.

I.	*Hindus.*			143
	Brahmins	...	82	
	Nayars	...	48	
	Other caste Hindus	...	8	
	Ezhavas	...	2	
	Other Hindus	...	3	
II.	*Muslim.*			1
III.	*Christians.*			19
	Jacobites	...	9	
	Marthomites	...	4	
	Latin Catholic	...	1	
	South India United Church	...	4	
	Others	...	1	

(2) Statement, by caste, of officers in the Education Department drawing a pay of Rs. 100 and above.

I.	*Hindus.*			252
	Brahmins	...	161	
	Nayars	...	61	
	Other caste Hindus	...	22	
	Kammalas	...	2	
	Ezhavas	..	4	
	Other Hindus	...	2	
II.	*Muslims.*			2
III.	*Christians.*			128
	Jacobites	...	33	
	Marthomites	...	27	
	Syrian Catholics	...	9	
	Latin Catholics	...	14	
	South India United Church	...	33	
	Others	...	12	

Appendix II.

Vide answer to question No. 154

Statement showing the amount of export duty realised on *copra* during each of the last five years.

Years.		*Duty.* Br. Rs.
1107	...	2,98,893
1108	...	2,40,275
1109	...	2,55,611
1110	...	1,58,651
1111	...	1,50,528

ADJOURNMENT MOTION.

President · I have received notice of a motion for adjourning the business of the House to discuss a definite matter of public importance, namely, the excesses committed by the reserve police stationed at Ramangalam. I am sorry I have to rule the motion out of order because the practice which has been enunciated by my predecessor as President in another place but which is equally applicable to this House is that this motion for adjournment should be handed over on the opening day. For reasons which have been dealt with in the ruling of my predecessor, I rule the motion out of order.

Mr. M. N. Paramesvaran Pillai: Sir, I rise to a point of order. Suppose an incident takes place during the sittings of the Council?

President: In the nature of things, that will make an exception.

THE TRAVANCORE COMPENSATION FOR IMPROVEMENTS BILL.

President: I think, I ought, in fairness to this House, indicate what the attitude of the Government would be in regard to one item of the non-official business, *i. e.*, the Travancore Compensation for Improvements Bill. This morning I received a deputation asking that, if, by any chance, the 100 and odd amendments which have been tabled are not disposed of by to-morrow, an extra day should be given for the transaction of non-official business; and I had to mention to the deputation that that was not possible. I wish to point out that the Bill is a non-official member's Bill. It has been passed by one House; and it has come in for consideration in this House. I think I hinted to this House on the opening

day that the fact that this House might pass the Bill will not automatically dispose of the matter, because Government, having given the most anxious consideration to the Bill, think that the matter is of sufficient importance, and the questions involved are sufficiently serious, and the matters in doubt sufficiently numerous, to justify the Government themselves considering the whole subject and introducing a legislative measure dealing with the whole matter. In that state of things, I may mention that the Government members will, in regard to this discussion, remain neutral, leaving the non-official members of this House to deal with the matter. I may say that Government undertake, if the form in which the Bill emerges from this House is not acceptable to them, that they will not shirk their responsibilities and that they will introduce a Bill *suo motu*, dealing with the whole question of tenants' improvements as it is a matter of fundamental importance affecting the life and prospects of a large portion of His Highness' subjects having variegated interests in land.

Mr. M. N. Paramesvaran Pillai: Instead of asking the official members to remain neutral, why not Government direct them to vote according to their discretion ?

President: That question will be considered.

THE TRAVANCORE TRADE UNIONS BILL.

Mr. Kayalam Paramesvaran Pillai (*Additional Head Sirkar Vakil*): Sir, last evening I was dealing with the amendment moved by Mr. Visvanatha Pillai to the effect that the provision for compulsory registration of Trade Unions should be deleted. I pointed out that the theoretical right of every citizen to form into associations is not one that can be advanced as a substantial argument. I referred in that connection to a provision in the Companies Regulation which is practically the same as the one in this Bill. I shall read that provision. Section 4 of the Companies Regulation is this .—

"No Company, association or partnership, consisting of more than ten persons shall be formed for the purpose of carrying on the business of banking unless it is registered as a Company under this Regulation.

(2) No Company, association or partnership consisting of more than twenty persons shall be formed for the purpose of carrying on any other business that has for its object the acquisition of gain by the Company, association or partnership, or by the individual members thereof, unless it is registered as a Company under this Regulation.

Mr. E. P. Varghese : In the Companies Act, it is necessary. Otherwise, fraud is likely to be committed and public money squandered away. May I know whether such a condition exists here?

Mr. Kayalam Paramesvaran Pillai ; I am just now only dealing with the argument of the theoretical right of every citizen to form combinations. I am pointing out that certain companies cannot be formed unless they are registered and that there is provision for it in the Companies Regulation.

The second point that I urged yesterday was that this provision for compulsory registration will not hamper the progress of labour associations in Travancore because in Travancore the people are mostly literate. They know their legal rights and are businesslike.

Of course, we must examine the question here on its merits, and not necessarily on the analogy of the Companies Regulation and in that view the only question is whether the provision for compulsory registration will hamper labour interests. I maintain that it will not and I did not hear anybody say that it will.

The third point that I urged yesterday was that this provision will not work any considerable hardship on the existing associations because they number only 4 or 5 as was stated yesterday. The next point urged yesterday was that the provision for compulsory registration has very many advantages. The provision for compulsory registration will make a labour association a recognised body which can authoritatively speak for labour and will prevent anybody else doing so.

Mr. E. P. Varghese : Should equal weight be attached to the representations made by a registered Labour Union and an unregistered one?

Mr. Kayalam Paramesvaran Pillai : That is a matter of opinion and personal sympathies.

Mr. Komilezhathu Sankaran (*Nominated*) : May I know whether the registration of Trade Unions will make their recognition obligatory?

Mr. Kayalam Paramesvaran Pillai : Yes. That wil be recognised as a Trade Union and recognition will be obligatory to that extent. If there are only registered bodies to speak on behalf of labour, that would be much better for Labour and the employers would welcome it as they will be able always to deal with recognised bodies.

And then again I may point out that no *bona fide* labour association could protest against such a provision. If it is really *bona fide*, why should it protest unless it has private ends to gain? I will in this connection read to the House what the Royal Commission on Labour says:

It is at page 325 of the Report:—

> "The question of insistence upon registration stands on a different footing. As the law stands at present, registration generally involves no obligations that a *bona fide* union should not be willing to undertake. It necessitates a regular constitution, a periodical audit, the composition of the executive so that a majority may be workers, and the separation of political funds, which can be collected only from those members who are willing to contribute. In return for compliance with these provisions, the union receives definite advantages. There is, therefore, a presumption (though no certainty) that a union which declines to register is not a bona fide organisation. Similarly the fact of registration creates a presumption in favour of the genuineness of the union. The desire to secure recognition has been a motive underlying registration, and registration has led in many cases to recognition. In a number of instances, employers have declined to recognise unions that are un-registered, and some were under the impression that registration made recognitions obligatory. We recognise that there are questions of principle with regard to political funds which if they arise, may modify the positions in the future."

The House will thus see that an expert body who sat to enquire into this matter has found no reason why a *bona fide* labour union should protest against registration. On the other hand, if there be only registered unions considerable advance will be made in the cause of labour as the employers will be ready to deal with genuine recognised bodies.

Mr. E. P. Varghese: May I know whether any representative of labour asked for such an amendment?

Mr. Kayalam Paramesvaran Pillai: They did not oppose this provision.

Mr. E. P. Varghese: May I know whether it was not the capitalist representative in the Select Committee representing the employers who pressed for this amendment?

Mr. Kayalam Paramesvaran Pillai: I should not say what took place in the Select Committee. The Select Committee accepted this provision and the Bill was brought to the Assembly and it was passed without any objection from the labour representative. And one may very well ask why Labour should protest if we were to accept the Royal Commission's opinion that no *bona fide* labour association should object to it. The Assembly has ac-

[Mr. Kayalam Paramesvaran Pillai.]

cepted this provision after a debate, and I cannot see why the battle has been carried to this House as if some grave principle were involved. It looks rather suspicious as if some designing men who want to exploit labour in selfinterest and pretend to speak on that behalf wanted to fight to the last ditch. I appeal to the mover of the amendment to withdraw it and accept the provision as it is.

Mr. E. P. Varghese: May I know whether the last Labour Conference did not protest against this provision?

Mr. Kayalam Paramesvaran Pillai: Which Labour Conference? Even the genuiness of such reported Conferences may be doubted: in any event it will continue to be questioned unless we have registration provisions as proposed to the Bill.

Mr. S. Piraviperumal Pillai (*Commerce and Industry, South*): Sir, as a representative of the Commerce and Industries Constituency, I do not think that my constituency can feel grateful to the Law Member for introducing this Bill. The passing of this Bill synchronises with the fact that the Government have appreciated the services rendered by the Law Member during a quarter of a century, by extending his period of service by one more year; and may I, with your permission Sir, avail myself of this opportunity to extend to him my hearty congratulations?

Sir, coming to this amendment, I asked the learned mover, when he was speaking to let me know what actually were the difficulties and hardships experienced by any labour association in the matter of registration. I was not able to get any enlightenment from the honourable member except that the seconder of the amendment said that labour here does not know how to put an application or how to present an application for getting a union registered. The learned mover said that labour in Travancore was more educated than in British India. I, therefore, do not now propose to say anything against what the learned seconder said. That is answered by the mover himself. I do not therefore think that there is any difficulty which any union may experience in the matter of registering it.

The next question is whether the registration of a union is conducive to its welfare or not. If any benefit is to be attained by introducing a legislative measure like this, I am afraid, these trade unions ought to be registered. If the mover could travel a little further outside this State, he could see that registration has been made compulsory there.

Sir, the object of this legislation is to improve the condition of labour. If registration is not made compulsory, it will enable the union neither to discriminate nor to formulate but it will only be a source of trouble and annoyance. Certainly, that will be detrimental to their cause. What I mean is that people who are not

interested in the welfare of labour but are bent upon securing their own ends will form unions simply for the purpose of gaining their own ends. Such people are not much desirous of improving the conditions of labour. Therefore, Sir, I submit that participation in purely political activities is detrimental to the welfare of labour associations, we must therefore take every precaution to see that it is not made possible for them.

Mr. E. P. Varghese: Is there not a provision in the Bill itself preventing these unions from conducting election campaigns?

Mr. S. Piraviperumal Pillai: I never said that there is no provision. I only said that participation of labour in purely political activities will be exploited by political agencies.

Therefore, I submit that registration of trade unions should be made compulsory.

Mr: A. N. Visvanatha Pillai (*Quilon* cum *Karunagapalli*):

സർ, ട്രെയിഡ് യൂനിയൻസ് രജിസ്റ്റർ ചെയ്യണമെന്നു മറ്റൊരു സ്ഥലത്തും നിർബന്ധമില്ലാതിരിക്കുമ്പോൾ ഇവിടെ മാത്രം അതു നിർബന്ധിതമാക്കണമെന്നു പറയുന്നതിന്റെ അർത്ഥം എനിക്കു തീരെ മനസ്സിലാകുന്നില്ല. ഒരു പരീക്ഷണം നടത്തി ഫലം അറിഞ്ഞതിന്റെ ശേഷമല്ല ഇവിടെ സാധാരണ നിയമം നിർമ്മിക്കാറുള്ളത്. മററു സ്ഥലങ്ങളിൽ പ്രവർത്തിച്ചു വിജയകരമായി കണ്ടിട്ടുള്ള നിയമങ്ങളെയാണു സാധാരണയായി ഇവിടെ പകർത്താറുള്ളത്. എന്നാൽ ഈ ബിൽ ഇവിടെ അവതരിപ്പിച്ചപ്പോൾ ബ്രിട്ടീഷിൻഡ്യയിലെ നിയമത്തിൽ നിന്നും ഒരു വ്യത്യാസം വരുത്തിയാണു അവതരിപ്പിച്ചിട്ടുള്ളത്. ആ വ്യത്യാസം ഇല്ലാതാക്കണമെന്നുള്ളതാണു എന്റെ ഭേദഗതി. ട്രെയിഡ് യൂണിയൻ രജിസ്റ്റർ ചെയ്യണമെന്നുള്ള നിർബന്ധം ബ്രിട്ടീഷിൻഡ്യയിലെന്നല്ല പാശ്ചാത്യരാജ്യങ്ങളിൽപോലും ഇല്ലെന്നാണെന്റെ അറിവ്. ഇവിടെ ചില സ്നേഹിതന്മാർ തൊഴിലാളികളുടെ ബന്ധുക്കളെന്ന ഭാവേന അവരുടെ താല്പര്യങ്ങൾക്കു വിപരീതമായി പ്രസംഗിക്കുന്നതുകേട്ടു. അതിനുദാഹരണമാണു നാം ഇപ്പോൾ ഇവിടെ കേട്ട തെക്കൻവാണിജ്യവ്യവസായപ്രതിനിധിയുടെ പ്രസംഗം.

Mr. Kayalam Paramesvaran Pillai: രജിസ്റ്റർ ചെയ്ത യൂണിയൻസേ ആകാവു എന്നു പറഞ്ഞാൽ ആളുകൾ കടന്നുകൂടാൻ സാധിക്കുകയില്ലല്ലോ.

Mr. A. N. Visvanatha Pillai : അതിലും മററുള്ളവക്കു കടന്നു കൂടാൻ വേണ്ട സൌകര്യമുണ്ടല്ലോ. ജായിൻറ സ്റ്റാക്കു കമ്പിനികളിൽ പൊതുജനങ്ങളുടെ പണം ധാരാളം ഉള്ളതുകൊണ്ടു പണാപഹരണം നടന്നേക്കാം. അപകടങ്ങൾ ഉണ്ടാകാതെ കൂടുതൽ സൂക്ഷ്മമുള്ളവരായിരിപ്പാൻ മെക്കാനിക്കൽ ലൈറേറഴ്സ്ബിൽ ആവശ്യമാണ്. അതിനാൽ അങ്ങനെയുള്ള രജിസ്റ്റർ ചെയ്യണം എന്നു പറഞ്ഞാൽ അതു മനസ്സിലാക്കുവാൻ കഴിയും.

Mr. Kayalam Paramesvaran Pillai : ട്രെയിഡ് യൂനിയനിലും പണം പിരിക്കാറുണ്ടല്ലോ.

Mr. A. N. Visvanatha Pillai : പണം പിരിവിനെസംബന്ധിച്ചു ജായിൻറ് സ്റ്റാക്കു കമ്പനികളും ട്രെയിഡ യൂനിയനും എത്രമാത്രം വ്യത്യാസമുണ്ടെന്നു നിയമജ്ഞനായ ലാമെമ്പർക്കുതന്നെ അറിയാവുന്നതാണ്.

Mr. Kayalam Paramesvaran Pillai : ട്രെയിഡ് യൂണിയനിൽ തുക കുറഞ്ഞിരിക്കുമായിരിക്കാം. എങ്കിലും പണപ്പിരിവു നടത്തുന്നുണ്ടല്ലോ.

Mr. A. N. Visvanatha Pillai : തൊഴിലാളികൾ കൂലിക്കാരാണ്. അവർ എത്രമാത്രം പണം കൊടുക്കാൻ ശക്തിയുള്ളവരാണെന്നും ശൈശവാവസ്ഥയിൽ ഇരിക്കുന്ന ഇവിടത്തെ സംഘങ്ങൾക്ക് എത്ര പണം സംഭരിക്കുവാൻ ശക്തിയുണ്ടെന്നും ഞാൻ പ്രത്യേകം വിവരിക്കേണ്ട ആവശ്യമില്ല. ആവശ്യങ്ങൾ നിർവഹിക്കുന്നതിനുവേണ്ട പണം പോലും പിരിച്ചെടുക്കുവാൻ ഇവിടത്തെ സംഘങ്ങൾക്കു സാധിക്കുന്നില്ല.

Mr. Komilezhathu Sankaran : കൂലിക്കാരുടെ നില ഭേദപ്പെടുത്തുന്നതുവരെ, അതായതു, ഒരു ക്ലിപ്തകാലത്തേക്കു ട്രെയിഡ് യൂണിയൻ രജിസ്റ്റർ ചെയ്താൽ മതിയെന്നുവെച്ചാൽ ആക്ഷേപമുണ്ടോ?

Mr. A. N. Visvanatha Pillai : ഇപ്പോഴുള്ള സ്വാതന്ത്ര്യത്തെ നിയന്ത്രിക്കുന്ന യാതൊന്നും ഈ ബില്ലിൽ ഉണ്ടായിരിക്കരുതെന്നാണ് ഞാൻ പറയുന്നതു്. ട്രെയിഡ് യൂണിയൻസ് രജിസ്റ്റർ ചെയ്യേണ്ട ആവശ്യമെന്താണെന്നു ലാമെമ്പറുടേയൊ അല്ലെങ്കിൽ മററു മെമ്പർമാരുടേയൊ പ്രസംഗത്തിൽനിന്നും വ്യക്തമായിട്ടില്ല. ബാംബെയിലെ തൊഴിലാളികളുടെ നില, തിരുവിതാംകൂറിനെ അപേക്ഷിച്ച് എത്രയോ പുരോഗമനത്തിലാണിരിക്കുന്നതു്. അവിടെയും ട്രെയിഡ് യൂണിയൻസ് രജിസ്റ്റർ

ചെയ്യണമെന്നു നിർബന്ധമില്ല. ഏററവും ചെറിയ ഒരു സംഖ്യ മാത്രമേ ബ്രിട്ടീഷിൻഡ്യയിൽ രജിസ്റ്റർ ചെയ്തിട്ടുള്ളുവെന്നും അനവധി ട്രെയ്ഡ്യൂണിയൻസ് രജിസ്റ്റർ ചെയ്യാതെതന്നെ പ്രവൎത്തനം നടത്തിവരുന്നുണ്ടെന്നും വിററ്ലി കമ്മിഷൻറിപ്പോർട്ടിൽ പറയുന്നു. ഈ വക കാരണങ്ങളെ അടിസ്ഥാനമാക്കി എന്റെ ഈ ഭേദഗതി സ്വീകരിക്കേണമെന്നു ഈ സഭയോടു ഞാൻ ആവശ്യപ്പെട്ടുകൊള്ളുന്നു.

ഗവൺമെൻറിനോടും ഈ സന്ദർഭത്തിൽ എനിക്കൊരുവാക്കു പറയുവാനുണ്ട്. ഈ ബിൽ സെലക്ററു കമ്മിററിയിലും അസംബ്ളിയിലും വാദപ്രതിവാദം നടന്നപ്പോൾ തൊഴിലാളികളുടെ പ്രതിനിധി എന്നു പറഞ്ഞു നിയമിക്കപ്പെട്ടിരുന്ന മെമ്പർ അവരുടെ യഥാൎത്ഥപ്രതിനിധി അല്ലെന്നു അവർ പ്രതിഷേധിക്കുകയുണ്ടായിട്ടുണ്ട്.

Mr. Komilezhathu Sankaran : ഈ സഭയിൽ അങ്ങിനെയൊരു പ്രതിനിധിയുണ്ടായിരുന്നോ?

Mr. A. N. Visvanatha Pillai : ഈ സഭയിലല്ല; അസംബ്ളിയിലാണ്. എനിക്കു ഗവൺമെൻറിനോട് അപേക്ഷയുള്ളതു ഗവൺമെൻറ് ഈ സന്ദർഭത്തിൽ ഈ ബില്ലിനെസംബന്ധിച്ച നിഷ്പക്ഷമായിരിക്കണമെന്നും അനൌദ്യോഗസ്ഥമെമ്പറന്മാരുടെ അഭിപ്രായമറിഞ്ഞു അതനുസരിച്ചു ഗവൺമെൻറു പ്രവൎത്തിക്കണമെന്നുമാണ്.

The amendment was put to vote and lost.

Mr. A. N. Visvanatha Pillai : Sir, I demand a poll.

A poll was taken and the House divided as follows :—

AYES—12.

1	Mr. M. Govindan	7	Mr. P. Padmanabhan Tampi
2	,, M. P. Madhavan Pillai	8	,, M. N. Paramesvaran Pillai
3	,, M. N. Narayana Menon	9	,, N. Ramakrishna Pillai
4	,, K. P. Nilakanta Pillai	10	,, Komilezhathu Sankaran
5	,, K. Padmanabha Panickar	11	,, E. P. Varghese
6	,, N. K Padmanabha Pillai	12	,, A. N. Visvanatha Pillai

NOES—21.

1	Mr. V. S. Arumukham Pillai	10	Mr. C. O. Madhavan
		11	„ K. Madhavan Pillai
2	„ C. V. Chandrasekharan	12	„ H. O. L Marikar
3	„ Eric Hall	13	„ G. Narayana Aiyar
4	„ M. Govinda Pillai	14	„ K. R. Narayana Aiyar
5	„ Haji Hassan Yacoof Sait	15	„ K. Paramesvara Panickar
6	„ Kayalam Paramesvaran Pillai	16	„ S. Piraviperumal Pillai
		17	„ R. Pitchu Aiyangar
7	„ K. N. Kesavan Nampatiripad	18	Rao Bahadur A. Rengasvami Aiyar
8	„ C. Kumara Das	19	Mr. K. Sankaralingam Pillai
9	Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai	20	„ Sayed M. Bava
		21	„ Tariatu Kunjitomman

NEUTRAL—1.

Mr. J. John Kattakayam.

The amendment was declared lost, 12 voting for the amendment, 21 against and 1 remaining neutral.

Mr. E. P. Varghese : Sir, I beg to move that in clause 14 sub-clause (2) delete the whole of it excepting the proviso and substitute the following in its place :—

> " Every Trade Union shall be registered under the provisions of this Regulation within one year of its formation."
>
> In the proviso, after " in the case of Trade Unions " add the words " which have a standing of one year or more and."

Mr. Kayalam Paramesvaran Pillai : On a point of order, Sir, I would ask you to consider whether this does not raise practically the same point that we have been discussing.

President : Technically I do not think it is out of order.

Mr. E. P. Varghese : Sir, I move this amendment with better hope. Now that the principle has been decided that Trade Unions shall be registered, I move that registration should not be made compulsory as soon as it is formed. I want that the Trade Unions shall be compelled to register only within one year of its formation. If this is allowed the new associations will have some time to see whether they can exist, to study all these rules and Regulations and to decide whether they should register or cease to exist. The reasons which have been advanced in support of the amendment that there shall not be any compulsory registration may be advanced in this case also, but not with so much force. I find

that in clause 5, sub-clause (2), something like that is intended. Sub-clause 2 says :—

> "Where a Trade Union has been in existence for more than one year before the making of an application for its registration, there shall be delivered to the Registrar together with the application, a general statement of the assets and liabilities of the Trade Union prepared in such form and containing such particulars as may be prescribed."

I am submitting that there is no harm in allowing at least one year's time. None of the dangers which the learned Law Member pointed out will overtake us or these unions if they are allowed to form and function for one year without registration. And within one year they may be registered. I would appeal to this House to accept this amendment as a half-way measure.

Mr. A. N. Visvanatha Pillai : I second it.

Mr. Kayalam Paramesvaran Pillai : Sir, I oppose the amendment. We have already accepted in substance the principle that every Trade Union must be registered. Having accepted that compulsory registration is necessary I would ask why we should postpone registration by one year. I could have understood Mr. Varghese to say that some time may be given for preliminary preparation.

Mr. E. P. Varghese : This time may be used for that purpose.

Mr. Kayalam Paramesvaran Pillai : It may be used for that purpose or for any nefarious purpose. I ask why, if the House accepts the principle that registration is good, unregistered unions should be allowed to function and that too for a considerable period.

Mr. M. N. Paramesvaran Pillai : May I know whether the term 'nefarious' is parliamentary ?

President : Speaking of purpose, it is ; but not otherwise.

Mr. Kayalam Paramesvaran Pillai : If compulsory registration is good there is no reason why it should be delayed. It will only complicate matters.

The amendment was put to vote and lost.

Mr. A N. Visvanatha Pillai : I move that the proviso to sub-clause (2) of clause 14 be deleted.

Mr. M. N Paramesvaran Pillai : Sir, we have already dealt with sub-clause (2) of clause 14. Mr. Visvanatha Pillai had moved an amendment already to delete sub-clause (2) which includes the proviso also. That amendment has been vetoed. Therefore there is no necessity to deal with the proviso separately.

President: You are right. The amendment is out of order.

The question that clause 14 do stand part of the Bill was then put and carried.

The clause was added to the Bill.

Clauses 15 to 20.

President: The question is that clauses 15 to 20 stand part of the Bill.

Mr. S. Piraviperumal Pillai: I would seek your permission to move an amendment to the Chapter heading.

President: The honourable member has given me notice just now of an amendment to omit the word 'Registered' occurring between the words 'of' and 'Trade Unions' in the Chapter heading. Honourable members know that Chapter heading is no part of a statute.

Mr. S. Piraviperumal Pillai: May I just explain it?

President: Yes.

Mr. S. Piraviperumal Pillai: By omitting the word 'registered' from the Chapter heading, we have got a consequential amendment to omit the word 'registered' wherever it occurs in the subsequent clauses. When the Bill was first introduced, it was not the intention to have only registered Trade Unions, and both registered and unregistered unions were contemplated. Now, after it has emerged from the Assembly, the Bill contemplates only registered unions. The word 'registered' in the heading would look as though there were provisions in the Bill for unregistered unions also.

Mr. Kayalam Paramesvaran Pillai: I object to the moving of the amendment. The member has not given notice of it. If the honourable member's idea is to delay the Bill, he may move the amendment. For, if the amendment is carried the Bill will have to go back to the other House.

President: I think Mr. Piraviperumal Pillai had better stop with what is there. If he moves an amendment to the heading, then he will have to go further and move further amendments.

Mr. S. Piraviperumal Pillai: In clause 20 at the end of the first line the letters 'ed' ought to be added.

Mr. Kayalam Paramesvaran Pillai: An amendment is not necessary for that. Under the Standing Orders the Secretary would do it.

President: Yes.

The question that clauses 15 to 20 stand part of the Bill was then put and carried.

The clauses were added to the Bill.

Clause 21.

Mr. A. N. Visvanatha Pillai: I beg to move that in clause 21 line 1 for the words "three-fourths" substitute "two-thirds". കമ്മിററിയിൽ ൭൫ ശതമാനം തൊഴിലാളികളുണ്ടായിരിക്കണമെന്നാണു പറയുന്നതു്. വിററിലികമ്മിഷൻ റിപ്പോർട്ടിൽതന്നെ മൂന്നിൽ രണ്ടുഭാഗം തൊഴിലാളികൾ കമ്മിററിയിലുണ്ടായിരുന്നാൽ മതി എന്നാണു പറയുന്നതു്. തിരുവിതാംകൂറിൽ അതിനു വിപരീതമായി ൭൫ ശതമാനം വേണമെന്നു പറയുന്നു, ഇതു തൊഴിലാളികളുടെ പുരോഗതിക്കു വലിയ തടസ്സമുണ്ടാകുന്നതാണു്. അതുകൊണ്ടാണു ഞാൻ ഇപ്രകാരം ഒരു ഭേദഗതി ഇവിടെ അവതരിപ്പിക്കുന്നതു്. തൊഴിലാളികൾക്കു മുതലാളിമാരോടു നേരിട്ടുനിന്നു കാര്യങ്ങൾ പറയുവാൻ ധൈര്യമുണ്ടായിരിക്കയില്ല. തൊഴിലാളികളുടെ ഗുണത്തിനുവേണ്ടി പ്രവർത്തിക്കുന്നതിനു അവർക്കു വിശ്വാസമുള്ള ആളുകൾക്കു വേണ്ട സന്ദർഭമുണ്ടാക്കിക്കൊടുക്കണമെന്നാണു ഞാൻ ഈ ഭേദഗതികൊണ്ടുദ്ദേശിക്കുന്നതു്. ഇതിനെ ഇതിൽ കൂടുതലായി വിശദീകരിക്കേണ്ടയാവശ്യമില്ലെന്നു വിശ്വസിക്കുന്നു. അവധാനപൂർവം ഇതിനെപ്പററി ചിന്തിക്കണമെന്നു് ഈ സഭയോടും ആവശ്യപ്പെട്ടുകൊള്ളുന്നു.

Mr. E. P. Varghese; I second it.

Mr. Kayalam Paramesvaran Pillai: Sir, I oppose the amendment. The question of outsiders in the managing body of a trade union is a matter in regard to which differences of opinion may be felt. That apart, I will ask the House to consider what exactly is the effect of this amendment. The Bill says that three-fourths of the total number of the officers of every trade union shall be persons actually engaged in the trade. The amendment says that the proportion shall be two-thirds. Suppose the managing body of a trade union contains twelve persons, then according to the Bill nine persons should belong to the trade union. Mr. Visvanatha Pillai wants it to be eight. Should we make this amendment for the sake of such a slight thing.

In Travancore, labourers are very much more educated than elsewhere and they do not want a large number of outsiders to take part in the trade unions. Sir, I oppose this amendment.

The amendment was put and lost.

The question that clause 21 stand part of the Bill was put and carried.

The clause was added to the Bill.

Clauses 22 to 29

The question that clauses 22 to 29 stand part of the Bill was then put and carried.

The clauses were added to the Bill.

Clause 30.

Mr. A. Visvanatha Pillai: I move the following amendment:

Omit sub-clause (1) and re-number the remaining sub-clauses.

Mr. E. P. Varghese: I rise to a point of order. Can this amendment be moved now in view of the fact that Section 14 has been accepted and registration has been made compulsory? When registration has been made compulsory there should be some penalty for not registering a trade union. If this sub-clause is omitted there will be no penalty.

President: Though it is not exactly a point of order, I concede that the omission of clause 30 (1) would make Section 14 infructuous. I would advice Mr. Visvanatha Pillai not to press this amendment.

The amendment was not moved.

The question that clause 30 stand part of the Bill was then put and carried

The clause was added to the Bill.

Clauses 31 and 32,

The question that clauses 31 and 32 stand part of the Bill was then put and carried.

The clauses were added to the Bill.

Preamble and Title.

The question that the Preamble and Title be accepted was put and carried.

Mr. Kayalam Paramesvaran Pillai: Sir, I now beg to move that the Travancore Trade Unions Bill be finally passed.

Mr. M. Govinda Pillai: I second it.

The motion was carried.

NON-OFFICIAL BUSINESS.

THE TRAVANCORE COMPENSATION FOR IMPROVEMENTS B LL.

President: I understand that amendments up to No. 5 have been dealt with already. Mr. Varghese has moved amendment No. 5 and Mr. Govindan has seconded it. The discussion on that amendment is on the tapis. Members can now speak on that amendment. (*After a pause.*) As no member is coming forward to speak on the amendment, I shall put it to the vote.

The amendment was put and lost.

Mr. C. M. Joseph: I move the following amendment.

Add the following as sub-clause (ii):—

"(ii) *A person is said to hold land whether he retains it in his actual possession or whether he sub-mortgages or sub-lets it.*"

സർ, ഈ അമൻറുമെൻറു ഞാൻഇവിടെ അവതരിപ്പിച്ചുകൊള്ളുന്നു. വസ്തു കൈവശക്കാരൻ എന്നുള്ളതിനു ഇവിടെ കൊടുത്തിരിക്കുന്ന നിർവചനം ശരിയായിട്ടുള്ളതല്ല. ഒരുവസ്തുഉടമസ്ഥൻ അയാളുടെ വസ്തുവിനെ പാട്ടമായിട്ടു കൊടുത്താൽ ഈ ബിൽപ്രകാരം അയാൾ വസ്തുവിൻെറ കൈവശക്കാരനല്ലെന്നു് വന്നേക്കാനിടയുണ്ടു്. എൻെറ ഭേദഗതി ഒരാൾ വസ്തു പാട്ടത്തിനൊ മറേറാമറെറാരാൾക്കു കൊടുത്താലും അയാൾ അതിൻെറ കൈവശക്കാരനാണെന്നു സ്ഥാപിക്കുന്നതിനാണു്. അതിനാൽ എൻെറ സ്നേഹിതന്മാരെല്ലാം ഈ ഭേദഗതിയെ സ്വീകരിക്കുമെന്നു വിശ്വസിക്കയും സ്വീകരിക്കണമെന്നപേക്ഷിക്കയും ചെയ്യുന്നു.

Mr. J. John Kattakayam: സർ, ഞാൻ ഈ ഭേദഗതിയെ അനുകൂലിക്കുന്നു. ഒരു വസ്തു കൈവശക്കാരൻ അയാളുടെ വസ്തുവിനെ ഒററിയായിട്ടോ ചിറെറാററിയായിട്ടോ മറേറതെങ്കിലും തരത്തിലോ വേറൊരാൾക്കു് കൈമാററം ചെയ്തുകഴിഞ്ഞാൽ അയാൾ പിന്നീടു വസ്തുവിൻെറ കൈവശക്കാരനല്ലെന്നു നിയമദൃഷ്ട്യാ വരുത്തുന്നതു് നീതിക്കും ന്യായത്തിനും ചേരുന്നതല്ല. വസ്തു ഉടമസ്ഥന്മാർ ദേഹണ്ഡക്കാരനായ കൃഷിക്കാരനെ അത്രദയനീയമായി തള്ളിവിടുകയാണു് ചെയ്യുന്നതു്. ദൈവഗത്യാലൊ മറെറാ വസ്തു അന്യാധീനം ചെയ്യേണ്ടിവന്നാൽ അയാളെ സാരമായി ബാധിക്കത്തക്കവിധത്തിലാണു് ഈ ബില്ലിൻെറ നിർമ്മിതാവു് ഇതു് ഇവിടെ കൊണ്ടുവന്നിരിക്കുന്നതു്. അതായതു് ദുരുദ്ദേശത്തോടുകൂടിയും വേലചെയ്യുന്ന കർഷകതതിക്കു ന്യായമായി കിട്ടേണ്ട പ്രതിഫലത്തിനു് ദോഷം ചെയ്യത്തക്കവിധത്തിലുമാണു് ഈ ബിൽ ചെയ്തിരിക്കുന്നതു്.

President: The honourable member should not impute motives.

Mr. J. John Kattakayam: ഇങ്ങിനെ കർഷകതതിക്കു വിഷമത്തെ ഉണ്ടാക്കുന്ന ഒരു ബില്ലാണു് ഇവിടെ കൊണ്ടുവന്നിരിക്കുന്നതു്. എൻെറ സ്നേഹിതൻ മി. സി. എം. ജോസഫ് ഹാജരാക്കിയിട്ടുള്ള ഭേദഗതി കർഷകതതിക്കു ഏററവും ഗുണകരമായിട്ടുള്ളതും ഈ രാജ്യത്തെ ഇന്നത്തെ സ്ഥിതിക്കു ഏററവും പര്യാപ്തമായിട്ടുള്ളതുമാകുന്നു.

Mr. M. N. Paramesvaran Pillai:—Sub-clause (ii) is already there. There is no motion either to delete it or amend it. In the circumstances I want to know how the amendment number 6 in the agenda paper is in order.

Mr J. John Kattakayam: ഇങ്ങനെ വസ്തു കൈവശമിരിക്കുന്നയാൾ അതു ചിററാററിയായോ മറെറാ മറെറാരാൾക്കു അന്യാധീനം ചെയ്തുപോയാൽ അയാൾ വസ്തുവിൻെറ കൈവശക്കാരനല്ലെന്നു ഈ ബില്ലിൽ ആസൂത്രണം ചെയ്തിരിക്കുന്നതു് കഷ്ടാൽ കഷ്ടതരമാകുന്നു

President: The honourable member will please regulate his voice. He must remember that there are a good number of amendments standing in his name coming up for discussion.

Mr. J. John Kattakayam: ധാരാളം അമൻറുമെൻറുകൾ അയച്ചിട്ടുള്ളതു് ഈ ബില്ലിൻെറ കർക്കശതകൊണ്ടാണെന്നും ഇവിടെ അവതരിപ്പിച്ചിട്ടുള്ള മററു ബില്ലുകളെ ഒന്നും തന്നെ ഇത്ര ഖണ്ഡിച്ചിട്ടില്ലാത്തതിൽനിന്നും തന്നെ മനസിലാക്കാം. ഈ ബില്ലിലെ മിക്ക വകുപ്പുകളും അതിക്രൂരവും, സാധുക്കളെ അത്യന്തം ദയനീയമായ വിധത്തിൽ മർദിക്കുന്നതിനു പര്യാപ്തവുമാണു്. ഈ ബില്ലു കർഷകനു ദോഷകരമാണെന്നു അവിടത്തെ സന്ദർശിച്ചിട്ടുള്ള ഡെപ്യൂട്ടേഷൻകൊണ്ടും നിരവധി നിവേദനങ്ങൾകൊണ്ടും കാണാം. ഈ ബില്ലിൻെറ കർക്കശതയെപ്പററി എന്നെപ്പോലെ വിലപിക്കുന്ന അനേകലക്ഷം ജനങ്ങൾ ഈ ശ്രീവാഴുംകോട്ടിലുണ്ടെന്നു അവിടുന്നു ഓർക്കണമെന്നു ഞാൻ അവിടത്തോടു താണുവീണു അപേക്ഷിച്ചുകൊള്ളുന്നു. അത്ര ക്രൂരമായ വിധത്തിലാണ് ഇതിനകത്തു നിക്ഷിപ്തമായ ശരങ്ങളിലിരിക്കുന്നതെന്നു അവധാനപൂർവം ചിന്തിച്ചുനോക്കുന്ന ഏതൊരുത്തനും പ്രഥമദൃഷ്ടിയിൽതന്നെ കണ്ണാടിയിലെന്നപോലെ കാണാം. ഒരുത്തൻ വാങ്ങിക്കുന്ന വസ്തു താൽക്കാലികമായി മറെറാരുത്തനു അന്യാധീനപ്പെടുത്തേണ്ടതായിവന്നേക്കാം. വസ്തുക്കളുടെ കൈവശക്കാർ മാറിമാറി വരികയെന്നുള്ളതു സ്വാഭാവികമാണു്. അങ്ങിനെ മാറിയും മറിഞ്ഞും വരുമ്പോൾ കൈവശക്കാരനു ഈ ബില്ലുകൊണ്ടു വലുതായ ദോഷമാണു വരുന്നതു്. വസ്തു കൈവശക്കാരൻ ഏങ്ങിനെയുള്ള ആളാണ് എന്നു നിശ്ചയിക്കാൻ നിവൃത്തിയില്ല. ചിലപ്പോൾ ധനാഢ്യനായിരിക്കും. ചിലപ്പോൾ കേവലക്കാരനായിരിക്കും. അന്യർക്കു ഉടമസ്ഥാവകാശമുള്ള വസ്തു ധനാഢ്യന്മാരായ ആളുകൾ അനുഭവത്തിനു വാങ്ങിക്കുക എന്നുള്ളതു് കീഴ്നടപ്പില്ല. കിടക്കാൻ സ്ഥലമില്ലാത്ത ആളുകളാണു അന്യ

ന്മാരുടെ സ്ഥലങ്ങളെ അഭയം പ്രാപിക്കുന്നതു്. മനുഷ്യനായാൽ മാനമായിട്ടും മര്യാദയായിട്ടും ജീവിക്കണം. അഭിമാനഭംഗകമായവിധത്തിൽ അന്യരുടെ സ്ഥലങ്ങളിൽ താമസിക്കുന്നയാളുകൾ എങ്ങിനെയുള്ളവരാണെന്നു സദയം ഒന്നു ചിന്തിക്കേണ്ടതാണ്. അങ്ങിനെയുള്ള ആളുകൾക്കു വസ്തു കൈവശം വിട്ടുപോകത്തക്ക വിധത്തിലാണ് ഈ ബില്ല് കൊണ്ടുവന്നിരിക്കുന്നതു്. ഇങ്ങനെ ഒരു ഭേദഗതി സ്വീകരിക്കാത്തപക്ഷം കർഷകർ നിരാധാരമായി ഇറങ്ങിപ്പോകേണ്ടിവരും. ഇവരുടെ കഷ്ടതകളെപ്പററി വിവരിക്കാൻ തുടങ്ങിയാൽ എന്റെ മാന്യസ്നേഹിതന്മാർ എനിക്കു ധാരാളം സമയം തരും. ഇതിനെ സംബന്ധിച്ചു പറയുമ്പോൾ എന്റെ ചില സ്നേഹിതന്മാർ ചില വിഷമങ്ങൾ കാണിക്കുന്നതിൽ ഞാൻ അതിശയിക്കതന്നെ ചെയ്യുന്നു.

President: Technically there is no time limit.

Mr. J. John Kattakayam: ദേഹണ്ഡക്കാരായ കേവലക്കാരുടെ ഗുണത്തെ ഉദ്ദേശിച്ചാണ് ഇങ്ങിനെ ഒരു ഭേദഗതി അവതരിപ്പിച്ചിട്ടുള്ളതു്. യഥാർത്ഥത്തിൽ കർഷകജനങ്ങളുടെ പ്രതിനിധികളടങ്ങിയ ഒരു നിയമസമിതിയായിരുന്നു ഇതെങ്കിൽ ഈ ബില്ലിനെ ദൂരെ കളയുമായിരുന്നു. വാസ്തവത്തിൽ കർഷകവൃത്തിയല്ലാതെ മററു തൊഴിലുകളിൽ ഏർപ്പെട്ടിരിക്കുന്നവരാണ് ഈ സഭയിലുള്ളതു്. മററു തൊഴിലുകളെ അപലപിക്കണമെന്നുള്ള ദുരുദ്ദേശം എനിക്കില്ല. കിടക്കാൻ സ്ഥലവും, ഉടുക്കാൻ തുണിയും, കുടിക്കാൻ കഞ്ഞിയുമില്ലാതെ ഗ്രാമാന്തരങ്ങളിൽ താമസിക്കുന്ന ആളുകൾക്ക് ഉണ്ടായിക്കൊണ്ടിരിക്കുന്ന നിരവധി ദുരിതങ്ങളെ പ്രതിദിനമെന്നപോലെ വീക്ഷിച്ചുകൊണ്ടിരിക്കുന്നതുനിമിത്തമുള്ള സഹതാപത്തിന്റെ ബാഹ്യപ്രവാഹപ്രകടനമാകുന്നു എന്റെ മാന്യ സ്നേഹിതൻ ഇവിടെ കൊണ്ടുവന്നിട്ടുള്ള ഈ ഭേദഗതിയെ പിൻതാങ്ങുവാൻ എന്നെ പ്രേരിപ്പിച്ചതു്. സാധുക്കളെ സംരക്ഷിക്കേണ്ടതു് അത്യാവശ്യമാണു. ദരിദ്രന്റെ കണ്ണുനീർ ധനവാനു സന്തോഷത്തെ വർദ്ധിപ്പിക്കുന്നതാണ്. ചുരുക്കം ചില ധനാഢ്യന്മാരുടെ സന്തോഷത്തിനുമാത്രം പര്യാപ്തമായ ഒരു ബില്ലല്ലേ ഇതെന്നാകുന്നു ഞാൻ സംശയിക്കുന്നതു്.

Mr. E. P. Varghese: The member is not speaking on the amendment, Sir.

President: Yes, but his emotions are so over-powering.

Mr. G. Narayana Aiyar: I rise to a point of order. If this amendment is accepted I doubt whether it will not be inconsistent with the clause already passed. The term 'holder' has already been well defined and that has been accepted.

President : That is no direct negation. According to you probably it may lead to illogical results. So then, it is not really a point of order.

Mr. J. John Kattakayam : സാധു കർഷകരെ വഴിയാധാരമാക്കുന്ന ഒരു സംകുചിതമായ മനോഭാവത്തോടുകൂടി ഇവിടെ കൊണ്ടുവന്നിട്ടുള്ള ബില്ലിനു ഇങ്ങിനെ ഒരു ഭേദഗതി ചേർത്തില്ലെങ്കിൽ വലുതായ ദോഷം തിരുവിതാംകൂറിലെ കർഷകർക്കു വന്നുചേരും എന്നുള്ള അഭിപ്രായത്തോടുകൂടി ഞാൻ ഈ ഭേദഗതിയെ അനുകൂലിക്കുന്നു.

Mr. G. Narayana Aiyar : Sir, I oppose the amendment. The term "holder" has been welldefined. There is no necessity to put any other construction to it.

Mr. Sayed M. Bava (*Nominated*) : സർ, ഞാൻ ഈ ഭേദഗതിയെ എതിർക്കുന്നു. തിരുവിതാംകൂർ കർഷകപ്രധാനമായ ഒരു രാജ്യമാണ്. ഈ ഭേദഗതി സ്വീകരിക്കുന്നപക്ഷം ഭൂമിയിൽ യഥാർത്ഥമായി വേലചെയ്യുന്നവർക്കു പ്രയോജനമില്ലാതെവരും. ചിറ്റൊറ്റിക്കാരനൊ, പാട്ടക്കാരനൊ അവൻ ഭൂമിയിൽ ചെയ്യുന്ന പ്രയത്നത്തിനു ഫലം കിട്ടാതെവരും.

Mr. J. John Kattakayam : പിന്നെ അതുകൊണ്ടു ഗുണം കിട്ടുന്നതു ആർക്കാണ്?

Mr. Sayed M. Bava : ഭൂമിയിൽ വേലചെയ്യുന്നവർക്ക് അനുഭവം കിട്ടുന്നില്ലെന്നാണു ഞാൻ പറഞ്ഞതു്.

Mr. J. John Kattakayam : പിന്നെ ആർക്കാണ് അനുഭവം കിട്ടുന്നതു്?

Mr. Sayed M. Bava : വസ്തു ഉടമസ്ഥനാണ്. ഈ കാരണങ്ങളാൽ ഞാൻ ഈ ഭേദഗതിയെ പ്രതികൂലിക്കുന്നു.

Mr. S. Piraviperumal Pillai : Before voting we would like to know what exactly the amendment is. The amendment of Mr. Joseph says, add the following as sub-clause (ii). There is no relation between the amendment and sub-clause (ii) in the Bill.

President : The point was raised by Mr. Paramesvaran Pillai. I take it that it is really a kind of ministerial mistake.

Mr. E. P. Varghese : May I tell the member that amendment No. 7 will explain that point.

President : The question before the House is to add the following as sub-clause (ii) :—

> " A person is said to hold land whether he retains it in his actual possession or whether he sub-mortgages or sub-lets it."

The amendment was put to vote and lost.

Mr. C. M. Joseph: അതു റീനമ്പർ ചെയ്താലും ഇല്ലെങ്കിലും മൂന്നാമത്തെ സബ് ക്ലാസിൽ "ഇംപ്രൂവ്മെൻറ്" എന്നു പറയുന്നതിനോടുകൂടി "which is suitable to the holding and consistent with the conditions on which it is based", എന്ന ഭാഗം എടുത്തുകളയണമെന്നാണ് ഞാൻ എൻെറ ഭേദഗതിയിലെ ആദ്യഭാഗം കൊണ്ടുദ്ദേശിക്കുന്നതു്. ഈ ഭാഗംകൊണ്ടു് ഈ ബില്ലിൻെറ നിർമ്മാതാവു് എന്താണു ഉദ്ദേശിക്കുന്നതെന്നു മനസ്സിലാക്കാൻ പ്രയാസമായിരിക്കുന്നു. പ്രാഡക്റ്റ് എന്ന വാക്കിനുശേഷം ഈ വാചകം ചേക്കുന്നതായിരുന്നാൽ അതു വലിയ തക്കങ്ങൾക്കും വ്യവഹാരങ്ങൾക്കും കാരണമാവുകയും, വ്യവഹാരങ്ങൾ നീണ്ടുപോകാൻ സംഗതിയാവുകയും ചെയ്യുമെന്നല്ലാതെ മററു യാതൊരു പ്രയോജനവുമില്ല. അതുപോലെ തന്നെ "has been" എന്നു കഴിഞ്ഞ് "and continue to be increased" എന്ന വാചകവും എടുത്തുകളഞ്ഞിട്ടു് "or is calculated to be increased" എന്നുകൂടി ചേത്താൽ ഈ കുഴപ്പം വരാതിരിക്കയും ചെയ്യും. ഒരു വസ്തുവിൽ ദേഹണ്ഡിച്ചാൽ ആ വസ്തുവിൻെറ വില വർദ്ധിക്കണമെന്നു മാത്രമല്ല വർദ്ധിച്ചുകൊണ്ടിരിക്കയും വേണമെന്നാണ് ബില്ലിൽ കാണുന്നതു്. ഇങ്ങനെ എത്രകാലത്തേക്കു വർദ്ധിച്ചുകൊണ്ടിരിക്കണമെന്നു ക്ലിപ്തപ്പെടുത്തിയിട്ടില്ല. ഇതും എന്നും തക്കത്തിനു കാരണമാണ്. പിന്നീട് ഒരു ദേഹണ്ഡം വസ്തുവിനു യോജിച്ചതാണോ എന്നറിയുന്നതെപ്പോഴാണ്. വസ്തു ദേഹണ്ഡത്തിനുകൊടുക്കുന്നകാലത്തു് അനുയോജ്യമായിരുന്ന ദേഹണ്ഡം കുറെക്കാലം കഴിഞ്ഞ ശേഷം യോജ്യമല്ലാതെവരും. ഒരു ദേഹണ്ഡം അനുയോജ്യമാണോ അല്ലയോ എന്നു തീർച്ചയാക്കേണ്ടതാരാണ്? വസ്തു ഉടമസ്ഥനോ കൃഷിക്കാരനോ? വസ്തുഉടമസ്ഥൻ വസ്തു ഏൽപ്പിക്കുമ്പോൾ യാതൊരു വ്യവസ്ഥയും ചെയ്തില്ലെങ്കിൽ കൃഷിക്കാരൻെറ യുക്തംപോലെ ദേഹണ്ഡം അനുയോജ്യമാണോ അല്ലയോ എന്നു നിശ്ചയിക്കാം. എന്നാൽ ദേഹണ്ഡം കുറെക്കാലംകഴിഞ്ഞു് ആ ദേഹണ്ഡവസ്തുവിന് അനുയോജ്യമല്ലെന്നും വസ്തു ഉടമസ്ഥൻ പറയുകയാണെങ്കിൽ ദേഹണ്ഡിച്ചയാൾക്കു് വലിയ നഷ്ടത്തിനിടവരും.

Mr. Kayalam Paramesvaran Pillai: വസ്തുവിനു അനുയോജ്യമല്ലാത്ത ദേഹണ്ഡങ്ങൾ ചെയ്തിരുന്നാൽ അതിനു പ്രതിഫലം കൊടുക്കണമെന്നുണ്ടോ?

Mr. C. M. Joseph: ഇല്ല.

Mr. J. John Kattakayam : വസ്തുവിനു അനുയോജ്യമല്ലാത്ത ദേഹണ്ഡങ്ങൾ കൃഷിക്കാർ ചെയ്യുമോ?

Mr. C. M. Joseph : ഇല്ല. ഒരു ഭൂഖണ്ഡം അനുയോജ്യമാണോ അല്ലയോ എന്നു തീരുമാനിക്കാനുള്ള വൈദഗ്ദ്ധ്യം വസ്തുഉടമസ്ഥനെക്കാൾ കൃഷിക്കാരനായിരിക്കും കൂടുതലുള്ളതു്.

Mr. J. John Kattakayam : അതു് ഒരു വക്കീലിന്റെ മനോധർമ്മംപോലെ തീരുമാനിക്കാവുന്ന സംഗതിയാണോ?

Mr C. M. Joseph: അതിലേക്കു സാമർത്ഥ്യമുള്ള വക്കീലന്മാരുണ്ടായി എന്നു വരാം. അതിനാൽ ഭൂഖണ്ഡവില നിർണ്ണയത്തെപ്പററി തർക്കങ്ങൾ വരാതിരിക്കുന്നതിനും വ്യവഹാരങ്ങൾ വർദ്ധിക്കാതിരിക്കുന്നതിനും ഈ ഭേദഗതി അത്യാവശ്യമായിട്ടിരിക്കുന്നു എന്നുള്ള എന്റെ അഭിപ്രായത്തെ സഭ മുൻപാകെ പ്രതിപാദിച്ചുകൊണ്ടും, എന്റെ ഭേദഗതിയെ മാന്യ സ്നേഹിതന്മാരെല്ലാം അനുകൂലിക്കണമെന്നു അപേക്ഷിച്ചുകൊണ്ടും ഈ ഭേദഗതിയെ അവതരിപ്പിച്ചുകൊള്ളുന്നു.

Mr. J. John Kattakayam : ഞാൻ ഈ ഭേദഗതിയെ പിൻതാങ്ങുന്നു.

Mr. M. N. Paramesvaran Pillai : On a point of order. Without sub-clause (iii), how does this amendment arise?

President : What the member means is that if his amendments were accepted, there would be sub-clauses (ii), (iii) and so on. The subject-matter of the amendment is with regard to what is suitable to the holding. Technically the honourable member is right; the question of numbering is a matter which could be dealt with in a different way.

Mr. E. P. Varghese : May I submit one word? There are a number of amendments to clause 2. They, more or less, overlap. I would like to know whether they are to be moved one by one.

President : I think it will conduce to convenience if honourable members consult each other and concentrate their attention on one or two amendments which could really be passed. I have been noticing that there is some slight difference between one amendment and another. At this stage I cannot take out any particular amendment for discussion.

Mr. M. N. Paramesvaran Pillai : In that case, is it not better if the honourable members are asked to discuss the amendments as a whole?

President : If I am to judge from the speech, a fairly comprehensive speech that has been made, I have no objection for the honourable members indicating their views. Then the honourable members could help the President in selecting the particular amendments, after consultation, to be voted upon.

Mr. M. Govindan: May I make one suggestion? I have dealt with the subject-matter of the amendment in amendments Nos. 10 and 12.

President: In fact the subject-matter of the amendment is dealt with in a number of amendments. I will allow discussion on them and after the honourable members consult each other and concentrate their attention on particular amendments to be voted upon. Otherwise I will have to put the amendments one by one for voting. There is the risk of important amendments being passed over. Therefore unless there is some kind of mutual concentration on the most comprehensive amendment on which discussion and voting can be resorted to, a number of amendments will have to be ruled out. If you feel any difficulty in the matter, better leave that choice to me. After hearing all the observations, I shall select the amendment or amendments to be voted upon by the House. Mr. Govindan will now proceed with his observations.

Mr. M. Govindan: I move the amendments Nos. 10 and 12 in the agenda sheet. They read as follows:—

"In Clause 2, sub-clause (iii), line 1, after "product" delete "which is suitable to the holding and consistent with the conditions on which it is based."

"In Clause 2, sub-clause (iii), line 3 after "been" delete "and coutinues to be increased" substitute "or is calculated to be increased."

If those expressions are not deleted, many valuble improvements may go uncompensated. In the passage "which is suitable to the holding and consistent with the conditions on which it is based," the expression "it" before "is based" is ambiguous. "It" may refer to the work. If this sub-section (iii) refers to work, it makes no sense, and it is the word "work," that is the most important in that clause. The Section as it is worded is liable to misconstruction. If the Section reads that "improvement" means any work including its product which is suitable to the holding and consistent with the conditions on which it (holding) is based, it would have been more artistic and less liable to misconstruction. For removing ambiguity, I have proposed my amendments. They are better since they are not open to dual construction. The expressions, as they are, restrict the scope of the definition and deprive many from getting the value of improvements in future. If the effect of a definition is to restrict the scope, I am sure both the mover of the Bill and the Law Member will agree with me in thinking that the purpose of the Bill is not that. The purpose of the Bill is to codify the existing laws in respect of improvements. If any improvement adds to the value of the holding, compensation should be paid. That is the dominant principle. To this there is

[Mr. M. Govindan.]

only one exception. For instance, a man who is in possession of a small holding puts up a building at prohibitive cost. The compensation cannot be paid for. We will take another instance. There is paddy land in an area not known for its productivity. A paddy land in Trivandrum suburbs is mortgaged to a person. The mortgagee converts it into garden land. The value of garden land in Trivandrum is much more than that of paddy land. In Nanjinad, conditions differ. In Trivandrum conversion of paddy land by itself is so much a valuable improvement and has to be paid for. Can it be said that such a conversion is suitable to the holding?. In my opinion it is not. But, it has not to be paid for according to this clause. My friends will agree with me when I say that conversion, of paddy lands into garden, which add materially to the value of the holding, will have to be paid for. There are a number of rulings on the subject, and I do not want to tire the patience of the House by reading them. If the tenant or mortgagee has made such improvements as will add materially to the value of the property, irrespective of the fact whether it is suitable to the holding and consistent with the conditions on which it is based, it has to be paid for.

Mr. K. P. Nilakanta Pillai: Can the member tell us the latest decision on the subject?

Mr. M. Govindan: 26 T. L. J.

Mr. Kayalam Paramesvaran Pillai: Is it the member's view that, irrespective of the suitability of work done, it should be treated as improvement?

Mr. M. Govindan: That is not the expression used in the Section. The point is, irrespective of the question whether an improvement is suitable to the holding or not, compensation——

Mr. K. P. Nilakanta Pillai: Does the latest ruling on the subject support my friend's position?

Mr. M. Govindan: I object to the use of the expressions "which is suitable to the holding and consistent with the conditions on which it is based".

Mr. M. N. Paramesvaran Pillai: Is it my friend's contention that if a building is converted into a tank, compensation should be paid?

Mr. M. Govindan: No.

Conversion of paddy land into a garden land is a very ordinary work in Travancore. Once upon a time, when we were depending upon our own paddy for consumption, such work was not done. Now, conditions differ. Any amount of paddy, at cheap rate, could be got from outside. To speak from my experience, all my Tarwad paddy lands have already been converted into garden lands. As a rule, holders who have enough

funds usually convert paddy lands into garden lands. But I have not seen conversion of garden lands into tanks. On the other hand conversion of paddy lands into garden lands increases the value of the holding. That is an improvement which will merit compensation.

Mr. M. N. Paramesvaran Pillai: Suppose paddy land is planted with portia trees. Is it an improvement? Should it be paid for?

Mr. M. Govindan: But, that does not increase the value of the holding. Ordinarily, the value of a portia tree is not so much as to merit compensation. A portia tree may fetch about Rs. 5, whereas, a cocoanut tree will fetch about Rs. 25. My friend is putting such questions more to handicap me than to elicit useful information. I am only pointing out that the tendency in Travancore is to convert paddy lands into garden lands.

Mr. K. P. Nilakanta Pillai: What is the member's view with regard to the product involved as a result of the improvements?

Mr. M. Govindan: Let my friend discuss the question in his turn.

Mr. G. Narayana Aiyar: If the landlord says that conversion should not be effected, and if conversion is still effected, should compensation be paid for the value of such improvements?

Mr. M. Govindan: Certainly not.

Mr. M. N. Paramesvaran Pillai: If there is no express prohibition, is it necessary for a tenant to take the opinion of the jenmi in the matter of effecting improvements?

Mr. M. Govindan: There is a jenmi say who is simply silent as regards the improvements effected by his tenant. If I am in the position of that tenant and engage Mr. M. N. Paramesvaran Pillai as my Vakil, he will argue the case and get a decree though I go silent against the silent jenmi's wish.

Mr. M. N. Paramesvaran Pillai: Are there not cases in which the High Court have ruled that certain improvements should be compensated for and certain others not?

Mr. M. Govindan: My point is that if the improvements effected are prejudicial to the land-owner, compensation should not be paid for. The improvements effected should be such as to increase the value of the holding. Such improvements have to be paid for. It is for that purpose that this amendment is now moved.

Mr. Kayalam Paramesvaran Pillai: In view of the answer that the honourable member gave to Mr. Narayana Aiyar's

[Mr. Kayalam Paramesvaran Pillai.]

question, may I ask why he objects to the qualification "consistent with the conditions on which it is based"?

Mr. M. Govindan: I have not come to that portion. I submit, the expression used here is "consistent with the conditions on which it is based". Suitability and consistency must co-exist in order that an improvement may be an improvement. Now I ask the question whether there is a condition enabling a person who bonafide occupies another person's land to be paid for his improvements.

Mr. E. P. Varghese: What will be the result in the case of oral lease?

Mr. M. Govindan: Even in those cases the improvement has to be paid for. There may be cases in which there may not be even oral lease. A *bona fide* occupant of a land under a mistaken title has also to be paid for his improvement. Is it consistent with the *condition* on which it is based?

Mr. Kayalam Paramesvaran Pillai: Then why not add the words "conditions if any"?

Mr. M. Govindan: That makes a difference. Is the mover willing to accept it?

President: Mr. Govindan will go on.

Mr. M. Govindan: I do not know how this inaccuracy came in. The definition was taken from the Malabar Tenants Improvement Act. It was taken from a statute regulating the relation between the landlord and the tenant. In many cases land is occupied without any recognised authority. These expressions and conditions were borrowed from enactment applicable only to the well recognised ralationship between tenant and landlord. Appropriate reasons do exist for borrowing the definition. That is my point So, I submit that the expression "which is suitable to the holding and consistent with the conditions on which it is based" is objectionable and should be deleted.

President: I have been bestowing some attention to this matter and I find that amendment No. 11 is the most comprehensive one on the subject. If that is carried there will be an end to most of the amendments, and if that is lost then the other amendments may have to be put to vote. The best thing therefore will be to adjourn the House, and for the members to consult among themselves and try to come to an agreement and then move amendments.

The House will now adjourn and meet again at 2 P. M.

The council adjourned at 12-15 P. M. and met again at 2 P. M. with the President in the Chair.

Mr. M. Govindan: Sir, I may be allowed to occupy my former seat. I took this seat for convenience, but now I find that my former seat is more convenient.

President: You may do so. I presume the honourable member is not a trespasser.

Mr. M. Govindan: This is my old seat.

President: I had made a suggestion before lunch time. Has that been considered?

Mr. E. P. Varghese: Yes, Sir. We have agreed that amendment No. 11 standing in my name should be moved.

Mr. J. John Kattakayam: സർ, ഞാൻ ഒരു പായിൻറ് ആഫ് ആർഡർ കൊണ്ടുവരുന്നു. ഇവിടത്തെ ആലോചനയിൽ എനിക്ക് യാതൊരു പങ്കുമുണ്ടായിരുന്നില്ല. എട്ടാമത്തെ മി. ഗോവിന്ദൻെറ ഭേദഗതി കഴിഞ്ഞു. ഒൻപതാമത്തെ ഭേദഗതി എൻെറതാണ്. അതു എടുത്തിട്ടില്ല. അതുകൊണ്ട് എൻെറ ഭേദഗതി ആലോചനക്കെടുക്കണമെന്നു ഞാൻ അപേക്ഷിക്കുന്നു.

President: I don't think there is any objection to that.

Mr. J. John Kattakayam: സർ, ദേഹണ്ഡം എന്നുവച്ചാൽ വസ്തുവിനു അനുയോജ്യമായിട്ടുള്ള ജോലിയുടെ ഫലം എന്നു പറഞ്ഞുകാണുന്നു. "ഇവിടെ അനുയോജ്യമായ" എന്ന ഒരു വിശേഷണം കാണുന്നുണ്ട്. ഈ വിശേഷണം എടുത്തുകളയണമെന്നുള്ളതാണ് എൻെറ ഭേദഗതി. ഇതുകൊണ്ടുള്ള ദോഷങ്ങളെപ്പററി ഇവിടെ പ്രത്യേകം എടുത്തുപറയേണ്ടതായുണ്ടെന്നു ഞാൻ വിചാരിക്കുന്നില്ല. അനുയോജ്യമായ ദേഹണ്ഡം എന്നു പറയുന്നതിൻെറ അർത്ഥമെന്ത്? അനുയോജ്യമല്ലാത്തുള്ള ദേഹണ്ഡം ഒരു വസ്തുവിൽ ഉണ്ടായിരിക്കുകയെന്നുള്ളത് ഒരുതരത്തിലും ചിന്തിക്കാവുന്ന ഒരു സംഗതിയല്ല. 'അനുയോജ്യം' എന്ന പദത്തിനുള്ള നിർവചനത്തിനകത്തു പല തത്വങ്ങളും അന്തർലീനമായിട്ടുണ്ടു. കർഷകന്മാരുടെ വിയർപ്പുകൊണ്ട് സംജാതമായിട്ടുള്ള ദേഹണ്ഡങ്ങളെ ധനാഢ്യന്മാർക്കും ജന്മിമാർക്കും ഭൂമിയുടമസ്ഥന്മാർക്കും ന്യായരഹിതമായി ചൂഷണം ചെയ്യുന്നതിനുള്ള കപടതന്ത്രങ്ങളെല്ലാം 'അനുയോജ്യം' എന്ന വിശേഷണത്തിനകത്ത് അടക്കം ചെയ്തിരിക്കുന്നു എന്നുള്ളത് അവിടത്തേക്കു നിഷ്പ്രയാസം കാണാൻ കഴിയും. അനുയോജ്യമായിട്ടുള്ള എന്ന ആ പദത്തെ ഏതെല്ലാംതരത്തിലാണു വ്യവഹാരികളും, വക്കീലന്മാരും നിയമപാരാവാരപാരീണന്മാരും ആയ ആളുകൾ വ്യാഖ്യാനിച്ചുതള്ളുന്നതെന്നു നമുക്കു അല്പം ചിന്തിച്ചാൽ മനസ്സി

[Mr. J. John Kattakayam.]

ലാക്കാൻ കഴിയും. അനുയോജ്യമായ വിശേഷണത്തെപ്പററി എൻെറ മാന്യസ്നേഹിതൻ മി. എം. ഗോവിന്ദൻ ഇവിടെ സംസാരിച്ചപ്പോൾ അതേപ്പററി ചില ചോദ്യങ്ങൾ ഗവണ്മെൻറുഭാഗത്തുനിന്നും ചോദിച്ചുതായിക്കണ്ടു. ഈ വിശേഷണപദപ്രയോഗം തീരെ പോരാതെയാണിരിക്കുന്നതെന്നറിഞ്ഞിരുന്നിട്ടും ബഹുമാന്യനായ ലാമെമ്പർ അതിനെ നീതീകരിക്കാനും സാധൂകരിക്കാനും ആയി ഇത്തരത്തിലുള്ള ചോദ്യങ്ങൾ ചോദിക്കുന്നതിൽനിന്നും ഇതിനെക്കാൾ ശക്തിയായ ഒരു വിശേഷണം വേണമെന്നു അദ്ദേഹം തന്നെ സമ്മതിക്കുന്നു എന്നു വിചാരിക്കുന്നതിൽ തെററില്ലെന്നു തോന്നുന്നു. കർഷകരുടെ ഗുണത്തെമാത്രം കാംക്ഷിച്ചുകൊണ്ടു നിൽക്കുന്ന ഗവണ്മെൻറ് ഈ സംഗതിയിൽ നിഷ്പക്ഷനില പാലിക്കുമെന്നുള്ള ഉത്തമവിശ്വാസത്തോടുകൂടി ഞങ്ങളിരിക്കുമ്പോൾ പ്രത്യക്ഷത്തിൽ അതിനു വിപരീതമായുള്ള ഒരു നില ലാമെമ്പർ അവലംബിക്കുന്നതു് തൻെറ ഒരു കൃത്യവിലോപം ആണെന്നുപോലും അദ്ദേഹം അറിഞ്ഞിട്ടില്ല. ഇത്ര കർക്കശമായ രൂപത്തിലുള്ള ഒരു വിശേഷണപദം അവിടെ സ്ഥിരമായി പ്രതിഷ്ഠിക്കാൻ ഇടവന്നാൽ വസ്തുവിൽ ദേഹണ്ഡം നടത്തുന്ന സാക്ഷാൽ കർഷകന്മാർക്കു് ഏററവും ദോഷകരമായ ഒരു അസ്ത്രമായി അതു് എന്നും അവൻെറ മേൽ നിപതിച്ചുകൊണ്ടിരിക്കും. ദേഹണ്ഡം ചെയ്യുന്നവർക്കു് അവൻെറ ദേഹണ്ഡവില കൊടുക്കാതിരിക്കാൻ പര്യാപ്തമായ പദ്ധതികളെല്ലാം ഈ വകുപ്പിലുണ്ടു്. ഈ വിശേഷണപദം അവയെ കൂടുതൽ സഹായിക്കുകയും ചെയ്യുന്നു. ഈ പദം കോടതിയുടെ കൈവശം എത്തുമ്പോൾ ഏററവും തുഛമായ ഒരു സംഖ്യ ദേഹണ്ഡവില കൊടുത്താൽ മതി എന്നുള്ള കോടതിവിധികൾ സൃഷ്ടിക്കുന്നതിനു ഉപകരിക്കും. "അനുയോജ്യമായ" എന്നിങ്ങനെ ഏററവും വ്യാപകമായ തോതിലുള്ള ഒരു നിർവചനം കോടതിക്കു വിട്ടുകൊടുക്കുന്നതു ശരിയല്ല. ആ പദത്തെ വക്കീലന്മാരും കോടതികളും ഓരോ തരത്തിൽ വ്യാഖ്യാനിക്കുവാനും എളുപ്പമുണ്ടു്. വാസ്തവത്തിൽ നിരക്ഷരകുക്ഷികളായ കർഷകന്മാർ അനുഭവിക്കുന്ന ദുരിതങ്ങളും അവശതകളും നിസ്സീമമായിട്ടുള്ളതാകുന്നു.

സർ, ഞാൻ മദ്ധ്യാഹ്നവെയിലത്തു് എന്നുവച്ചാൽ സൂര്യോദയം മുതൽ സൂര്യാസ്തമനംവരെ കൂലിക്കാരുടെ അടുത്തുതന്നെ നിന്നു് അവരെക്കൊണ്ടു വേല ചെയ്യിക്കുന്ന ഒരു മനുഷ്യനാണു്. അങ്ങനെ വെയിലും ചൂടും ധാരാളം ഏററിട്ടുള്ള എനിക്കു് ചൂടിനെപ്പററി ഭയമില്ല. പങ്കാ നിന്നുപോയെങ്കിൽ അതിനെപ്പററി ചിന്തിക്കുന്നില്ല. കർഷകരുടെ

ർ തങ്ങളെപ്പററി ഈ കൗൺസിൽ മുഴുവൻ തീരുന്നതുവരെ ഈ ഹാളിനപ്പുറത്തു വെയിലത്തു പറയാൻ എനിക്കു കഴിയും. ഞാൻ അവരുടെ കഥകഠം നല്ലവണ്ണം അറിഞ്ഞിട്ടുണ്ട്. (ചിരി.)

Mr. Kayalam Paramesvaran Pillai : കർഷകന്മാർ എന്നു പറയുന്നവർ ആരാണ്? കൂലിക്കാരോ യജമാനന്മാരോ?

Mr. J. John Kattakayam : ജന്മിവാരബില്ല് പാസായതിനുശേഷം കർഷകന്മാർ എന്ന പദത്തിനെ പലതരത്തിലും നിർവചിക്കാമെന്നു വന്നിട്ടുണ്ട്. മുൻപറഞ്ഞ ബില്ലിന്റെ തണലിൽനിന്നുകൊണ്ടുതന്നെ ഒരുസെൻറു ഭൂമി പോലും ഇല്ലാത്ത ഒരു വക്കീൽ തനിക്കു ഒരു വാറണ്ടുവന്നപ്പോഠം താൻ ഒരു കർഷകനാണെന്നുപറഞ്ഞു രക്ഷപ്പെട്ടു. നിയമപണ്ഡിതനായ ലാ-മെമ്പർക്കു് അതറിയാമായിരുന്നിട്ടും ഈ ചോദ്യം ചോദിച്ചതിൽ അതിശയിക്കുന്നു. (ചിരി.)

കർഷകരുടെ വിയർപ്പുകൊണ്ടുണ്ടാകുന്ന ഫലങ്ങളെ മററുള്ളവർ ചൂഷണംചെയ്തുകൊണ്ടിരിക്കുന്നതു കണ്ടുകൊണ്ടിരിക്കുന്നതു് എനിക്കു വളരെ സങ്കടകരമായ ഒരു കാര്യമാണ്. വാസ്തവത്തിൽ ഈ ബില്ലിനെ ഇരുകരങ്ങഠംകൊണ്ടും ആശ്ലേഷിക്കേണ്ട ഒരാളാണു ഞാൻ. അനേകം ഏക്കർ സ്ഥലം ……

Mr. Kochikal P. Balakrishnan Tampi (*Mavelikara and Kartikapalli cum Kunnathur*) Sir, I move that the question be now put, because the honourable member has been repeating that point ever so many times.

Mr. J. John Kattakayam: ഞാൻ അനേകം ഏക്കർ സ്ഥലം ദേഹണ്ഡിക്കാനായി കൊടുത്തിട്ടുണ്ട്. അതിനു പാട്ടമോ ഭൂമികരമോ പോലും തരാതെ ദേഹണ്ഡിക്കുന്നവരുണ്ട്.

Mr. Kochikal P. Balakrishan Tampi: Sir, is this autobiography quite relevant?

President : I have been thinking over this matter and probably after one or two motions are over, I am going to ask the House to consent to some kind of time-limit, say 15 minutes. Until then I do not want to take any steps to interrupt the speeches of honourable members, who evidently feel strongly, and in the strength of their feelings they may relax themselves. So I do not propose to call upon him to stop now. Honourable members will realise that there is a great deal of business to be transacted. For many reasons, it will be well that business is expedited. After all, we have got only two hours to-day and the whole of to-morrow. So the honourable member will compress his arguments.

Mr. J. John Kattakayam : സർ, ഈ സഭയുടെ പരിമിതമായ സമയത്തെ ഈ തരത്തിൽ ദുരുപയോഗം ചെയ്തല്ലോ എന്നു വിചാരിച്ചു ഞാൻ വ്യസനിക്കുന്നു.

President : There is no word of reproach.

Mr. J. John Kattakayam : സാക്ഷാൽ കർഷകരുടെ പ്രതിനിധികൾ ആരാണ്? ഭൂനികുതികൊടുക്കുന്ന ആളുകളാണ് ഇവിടത്തെ വോട്ടറന്മാർ. ഇവരെല്ലാവരും കർഷകരാണ്. ഇപ്പോൾ ഒരു രൂപാ കരം കൊടുക്കുന്നവരൊക്കെ വോട്ടറന്മാരാകുന്നു. അങ്ങനെയുള്ള കർഷകരുടെ പ്രതിനിധിയായി വന്ന ഒരു സ്ഥാനത്തുനിന്നും ഇപ്രകാരം അവരെ ദൂഷണം ചെയ്യുന്നതും ദ്രോഹിക്കുന്നതും ആയ ഒരു ബില്ല് കൊണ്ടുവന്നിരിക്കുന്നതു കണ്ടപ്പോൾ എന്റെ ഹൃദയത്തിലുണ്ടായിരിക്കുന്ന വേദനകൊണ്ടാണു ഞാൻ ഇത്രയും പറഞ്ഞത്.

President : I fully realise the member's position.

Mr. J. John Kattakayam : ആ വിശേഷണപദം ഈ വകുപ്പിൽനിന്നും എടുത്തുകളയണം. അതു ഞാൻ പറഞ്ഞുകഴിഞ്ഞു. പ്രസിഡൻറ് അവർകൾ ആജ്ഞാപിക്കുന്നതുകൊണ്ടു ഞാൻ എന്റെ പ്രസംഗം ചുരുക്കുന്നു. സഭയുടെ അന്തസ്സു പാലിക്കുന്നതിനും സമയം ലാഭിക്കുന്നതിനുംവേണ്ടി എന്റെ പ്രസംഗം ചുരുക്കേണ്ടതാണെന്നു അദ്ധ്യക്ഷസ്ഥാനത്തുനിന്നും ആവശ്യപ്പെടുന്നു. അതുകൊണ്ട്, "അനുയോജ്യമായ" എന്ന ആ വിശേഷണം എടുത്തുകളയണമെന്നുള്ള എന്റെ അഭിപ്രായത്തെ പ്രകടിപ്പിച്ചുകൊണ്ടും ഈ സഭ എന്റെ ഈ അഭിപ്രായത്തെ അനുകൂലിക്കണമെന്നപേക്ഷിച്ചുകൊണ്ടും ഞാൻ എന്റെ വാക്കുകളെ അവസാനിപ്പിച്ചുകൊള്ളുന്നു.

Mr. E. P. Varghese : Sir, this is one of the most important clauses in this Bill. The definition of the word "improvement" no doubt, is the chief thing in a Bill for the compensation of improvement. So the House should be very careful in seeing that the definition of the word "improvement" included in the Bill is most useful and at the same time as harmless as possible. During the consideration stage of this Bill myself and Mr. Govindan had dealt at great length about the defects in the definition. If we include the definition as it is found now it will exclude from the category of improvements most of what we and what the courts now consider as improvement. According to the definition, improvement means any work including its product which is suitable to the holding and consistent with the conditions on which it is based, by

which the value of the holding has been and continue to be increased and which if not executed on the holding is either executed directly for its benefit or is, after execution, made directly beneficial to it.

My chief object in moving this amendment is to show that it restricts the improvements to very narrow limits, and what is suitable for the holding will be a bone of contention between the landlord and the tenant. The tenant will make some improvements which he thinks will be suitable to the holding, whereas the landlord will not be quite inclined to consider it as suitable, so as to avoid the payment of compensation. Naturally every landlord will try to get his land back as cheaply as possible. Here the provision is not definite. Instead of making it definite it leaves ample room for litigation. This question has been dealt at length by my learned friend Mr. Govindan. There are cases where lands are held without any definite conditions with regard to improvement. There is nothing in the Bill to award compensation when improvements are made without conditions. Then the clause demands also "the value of improvement has been continued to be increasing". That it should continue to be increased, is a thing which is very difficult to understand and I think that is rather impracticable. No improment will be continued to be increasing for an indefinite period of time. This difficulty can be avoided by omitting the clause. It is enough that the improvement has increased the value of land.

Mr. Kayalam Paramesvaran Pillai: Suppose the improvement was destroyed by flood?

Mr. E. P. Vaghese: Then it will not be valued.

Mr. Kayalam Paramesvaran Pillai: Should not the value remain increased at the time of the assessment of the value?

Mr. E. P. Varghese: That I admit. But "to continue to be increased" that is what I object to.

Mr. M. N. Paramesvaran Pillai: Suppose the trees increased in yield?

Mr. E. P. Varghese: It will not be included. But the timber value may be claimed. But the provision says that an improvement can be considered an improvement if it continues to increase. It is not enough to remain in that condition when the land was taken possession of by the tenant.

Mr. M. Govindan: Is the Jenmi entitled to get improvement if the improvement continues to increase?

Mr. E. P. Varghese: With all deference to the Law Member, I may submit that the draftmanship of this Bill is defective in very many respects. It has to be thoroughly re-drafted,

[Mr. E. P. Varghese.]

especially, the definition of improvement. These are the two portions of that sub-clause to which I object. It would be quite appropriate if the following is adopted for the definition :—

"Improvement" means any work including its product by which the value of the holding has been or is calculated to be increased and which if not executed on the holding is either executed directly for its benefit or is after execution made directly beneficial to it".

It must be said that the definition as it is in the Bill is a copy from the Jenmi Kudiyan Regulation. But I submit that what was found proper for the purpose of the Jenmi Kudiyan Regulation cannot be applied to a law which affects a very large section of the people who hold under a different kind of tenancy altogether. The Jenmi Kudiyan Regulation was intended for the lessees who are permanent tenants. There are very few other lessees who are permanent in our country. I have been able to find out only one case where this definition has been applied by the High Court. But it cannot be applied in all cases in fixing the value of compensation. If we find the definition of the Jenmi Kudiyan Regulation is defective it is our duty to see that the defects in that definition do not creep into the provisions of this Bill. So, I submit that this House will be careful enough to see that the definition of improvement is recast completely as I suggest, or else it would do great harm to the ordinary cultivator. After all, it is the man who cultivates the land who is to be given compensation. The waste lands and the jungle lands have been turned into beautiful garden lands by the cultivator. So, if at the time of eviction the land holder says the improvements made are not suitable and a court of law is to decide whether it is suitable or not, and whether it is consistent with the conditions of holdings, it will only give room for further complications and as a result of it the poor tenant will suffer. Moreover, it is always the rich who will get all the convenience to adduce reliable evidence or trustworthy facts to see that the case is decided in his favour. When we legislate on a matter with the idea of making the law definite it is necessary that no room is left for any doubt in the provisions of the law. With these words I commend this amendment to the acceptance of the House

Mr. M. Govindan : Sir, I have already made my speech in support of this amendment.

Mr. J. John Kattakayam: സർ, ഞാൻ ഈ ഭേദഗതിയെ അനുകൂലിക്കുന്നു.

Amendment No. 11 was put to the vote of the House and declared carried.

Mr. Kochikal P. Balakrishnan Tampi : Sir, I demand a Poll.

A Poll was taken with the following result.

AYES.--8.

1. Mr. C. M. Joseph
2. ,, J. John Kattakayam
3. ,, M. Govindan
4. ,, Tariatu Kunjitomman
5. Mr. Sayed M. Bava
6. ,, S. Piraviperumal Pillai
7. ,, Komilezhathu Sankaran
8. ,, E. P. Varghese

NOES.—11.

1. Mr. M. N. Narayana Menon
2. ,, K. P. Nilakanta Pillai
3. ,, K. Padmanabha Panickar
4. ,, M. N. Paramesvaran Pillai
5. ,, G. Narayana Aiyar
6. ,, M. P. Madhavan Pillai
7. Mr. V. S. Arumukham Pillai
8. ,, K. Madhavan Pillai
9. ,, N. Ramakrishna Pillai
10. ,, K. Sankaralingam Pillai
11. ,, A. N. Visvanatha Pillai

NEUTRALS.—12.

1. Mr. C. V. Chandrasekharan
2. ,, M. Govinda Pillai
3. ,, Kayalam Paramesvaran Pillai
4. ,, C. Kumara Das.
5. Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai
6. Mr. K. R. Narayana Aiyar
7. Mr. R. Pitchu Aiyangar
8. Rao Bahadur A. Rengasvami Aiyar
9. Mr. K. Paramesvara Panickar
10. ,, C. O. Madhavan
11. ,, Eric Hall
12. ,, Kochikal P. Balakrishnan Tampi

The amendment was declared lost, 8 voting for the amendment, 11 against and 12 remaining neutral.

Mr. M. Govindan : I beg to move the following amendments in clause 2.

"Re-number sub-clause (iii) as (iv) and omit the words "which it is suitable to the holding and consistent with the conditions on which it is based" after the word "protect" and omit the words "and continues to be increased" after "has been" and insert instead "or is calculated to be increased".

The amendment was put to the vote of the House and lost.

Mr. C. M. Joseph Sir, I move :

Recast Explanation 1 as follows:

"*Explanation 1 – Improvements include among other things.*

[Mr. C. M. Joseph.]

അതിനെ ഇങ്ങനെ ഭേദപ്പെടുത്തിയാൽ യാതൊരു ന്യൂനതയും ഉണ്ടാകുന്നതല്ല, ആർക്കും യാതൊരു സംശയവും ഉണ്ടാകയില്ല. ദേഹണ്ഡത്തെപ്പററി കൃഷിക്കാർക്കായാലും വസ്തു ഉടമസ്ഥന്മാർക്കായാലും കോടതികൾക്കായാലും വ്യക്തമായ ബോധം ഉണ്ടാകും. സംശയാസ്പദമായ പദമെല്ലാം മാറുകയും ചെയ്യും.

Mr. J. John Kattakayam : ഞാൻ ഈ ഭേദഗതിയെ അനുകൂലിക്കുന്നു.

The amendment was put to vote and lost.

Mr. M. Govindan : Sir, I beg to move:

In clause 2, sub-clause (iii), Explanation I (a), line 1, between 'wells' and 'and' insert 'channels, dams'.

This explanation is found in Section 4(b) of the Malabar Tenants' Compensation Act. While copying that Section these two words channels and dams were omitted. I submit that this is a very hard and unjust omission. Channels and dams are necessary in this water-logged Travancore where there are many places where channels have to be constructed with a view to improve land for irrigation purposes and also to drain water from lands. While copying the definition, 'channels' and dams have been omitted. Section 4 (b) of the Malabar Tenants' Compensation Act specifies construction of tanks, wells, channels, dams and other works and while copying my friend has omitted these words alone.

Mr. M. N. Paramesvaran Pillai: May I know whether the terms "channels" and "dams" do not come under the term "other works"?

Mr. M. Govindan: May I ask my friend whether the words "construction of tanks, wells, channels and other works" do not appear in the Malabar Tenants' Compensation Act?

Mr. M. N. Paramesvaran Pillai : May I remind the member that there is no virtue in copying?

Mr. M. Govindan : I quite agree with the honourable member that there is no virtue in copying. But when you begin to copy, copy the whole is what I say.

Mr. N. Ramakrishna Pillai : May I assure the member that the present definition is not copied from the Malabar Tenants' Compensation Act?

Mr. M. Govindan : Ninety-nine per cent. of the expressions employed are identical, and I make the inference that it is a copy. If it is not, it may be a copy of a copy, and hence it is also a copy. I submit that these interruptions serve no purpose except

to delay. All the other words employed by Mr. Ramakrishna Pillai are in the Malabar Tenants' Compensation Act, and the only words omitted are "channels" and "dams", which are the two words that are most important in Travancore conditions.

Mr. K. P. Nilakanta Pillai : May I know whether in the words 'other works for the storage or supply of water for agricultural or domestic purposes,' my friend's idea is not included in this definition?

Mr. J. John Kattakayam : കിണറുകളും കുളങ്ങളും തോടുകളും മററും സുലഭമായി കാണുന്ന ഈ രാജ്യത്ത് അവ ഓരോന്നിനെപ്പററിയും ബില്ലിൽ വ്യക്തമായി പ്രസ്താവിക്കുന്നതുകൊണ്ട കർഷകൎക്കു കൂടുതൽ ഗുണമല്ലേ ഉള്ളത്?

Mr M. Govindan : അങ്ങനെ വേണമെന്നാണു ഞാൻ പറയുന്നത്. ഈ വകുപ്പിൽ വേറെ ഒരു ഭാഗത്തുള്ള വാചകത്തിൽ ഈ കാൎയ്യങ്ങളെല്ലാം അന്തർഭവിച്ചിരിക്കുന്നുണ്ടെന്ന് എന്റെ ചില സ്നേഹിതന്മാർ പറയുന്നു. അങ്ങനെ അന്തർഭവിച്ചിരുന്നാൽ മാത്രംപോരാ. അവ പ്രത്യേകം എടുത്തു വിവരിക്കണമെന്നാണ് ഞാൻ പറയുന്നത്.

Mr. J. John Kattakayam: കൊച്ചിയിലെയും മലബാറിലെയും ദേഹണ്ഡവില ബില്ലുകളെ അതേപടി പകർത്തിക്കൊണ്ടുവന്നിരിക്കുന്ന ഈ ബില്ലിൽ ഇക്കാൎയ്യംമാത്രം അതിൽനിന്നും ബഹിഷ്കരിച്ചുകളയുന്നതിന് ഈ ബില്ലിന്റെ നിർമ്മാതാക്കളെ പ്രേരിപ്പിച്ചതു എന്തുകൊണ്ടാണെന്നു മെമ്പൎക്കറിയാമോ?

Mr. M. Govindan: അതിനുള്ള കാരണം എന്താണെന്നു എനിക്കറിഞ്ഞുകൂടാ. അങ്ങനെ വിട്ടുകളഞ്ഞതു വളരെ സങ്കടകരമായിപ്പോയി എന്നു് എനിക്കറിയാം.

Mr. J. John Kattakayam: ഈവക സംഗതികൾ പ്രത്യേകം വിവരിക്കാതിരുന്നാൽ ...

President : Both the parties are animated by the same desire. The honourable member will have his turn to speak.

Mr. M. Govindan : I have made it clear that it is a mere copy and that, in copying the words "channels and dams" which relate to works which are very common in Travancore, have been omitted.

Mr. Kayalam Paramesvaran Pillai : Is it the member's point that, if there is a channel which is not intended for storage or supply of water it should be treated as improvement ?

Mr. M. Govindan: I am not of that opinion. I say that, if channels and dams are used for the storage or supply of water for agricultural or demestic purposes, they must be paid for. It may be that other channels and dams have also to be paid for. My impression, when I sent up this amendment, was that all channels and dams used for agricultural purposes should be paid for. I find that the provision is very narrow and will not cover the whole field that I intend. It may be necessary for Government to make it wider and to apply it to all channels and dams which may be useful for agricultural purposes, whether it be for storage, supply or drainage of water or otherwise.

Mr. Kayalam Paramesvaran Pillai: Should the improvement be paid for, if it is intended a hydro-electric supply?

Mr. M. Govindan: Certainly. Why not? The only condition is that it should add to the value of the holding, and a hydro-electric project will surely increase the value of the holdings.

Mr. E. P. Varghese: Will not the value of the holding go very high, if it can be used for the supply of electricity?

Mr. M. Govindan: Undoubtedly. Sir, I accept both the suggestions made by the learned Law Member. In the first place he indicated that, after all, that Section is narrow, and secondly that even if the improvement is not for agricultural purposes, it may be paid for provided it adds to the value of the holding. This Bill is not carefully drafted. Although it was passed through one House, it requires recasting. This amendment is intended to remedy a patent defect.

Mr. J. John Kattakayam: ഈ ബില്ലിൻെറ അവതാരകൻ ബില്ലു പകർത്തി എടുത്ത കൂട്ടത്തിൽ തോടുകളും അണകളും എന്നുള്ള ഭാഗം മനഃപൂർവം വിട്ടുകളഞ്ഞു. അതേപ്പററി മി. ഗോവിന്ദൻ ഇവിടെ പ്രസ്താവിക്കുകയുണ്ടായി. അതുകൂടി ഈ വകുപ്പിനോടുകൂടി ചേർക്കുന്നതുകൊണ്ടു യാതൊരുദൂഷ്യവും വരാനില്ല. മനപൂർവം കർഷകരെ ഉപദ്രവിക്കണമെന്നുള്ള വിചാരംകൊണ്ടു് അതിവിടെ ചേർക്കാതിരുന്നതാണെന്നു വേണം വിചാരിക്കാൻ. ഈ കാര്യത്തെപ്പററി മി. ഗോവിന്ദൻ പറഞ്ഞതുകൊണ്ടും ബഹുമാനപ്പെട്ട അദ്ധ്യക്ഷൻെറ ആജ്ഞയെ പരിഗണിച്ചും ഒരുപക്ഷെ, ഈ ബില്ലു പാസാകുന്നതായാൽ തന്നെയും കർഷകരുടെ രക്ഷയെ പുലർത്തിക്കൊണ്ടുപോകുമെന്നു ധൈര്യപ്പെട്ടും വിശേഷിച്ചും അവിടുത്തെ പിൻതുണ കരുതിയും ഇത്രയുംമാത്രം പ്രസ്താവിച്ചുകൊണ്ടു ഞാൻ ഈ ഭേദഗതിയെ അനുകൂലിക്കുന്നു.

Mr. N. Ramakrishna Pillai: Sir, I oppose this amendment. In doing so, I wish to point out that this definition of the expression improvement is taken from the Jenmi and Kudiyan Regulation passed in 1051, nearly 61 years ago. My friend Mr. Govindan seems to be under the impression that it is borrowed from the Malabar Tenants' Compensation Act. This definition was placed in our Statute Book more than five or six years before the passing of the Malabar Act. It was pointed out that the provisions contained in the Jenmi and Kudiyan Regulation cannot be adopted for the purpose of this Bill. In answer to that I may say that there was a provision in the Jenmi and Kudiyan Regulation for the eviction of the kudiyan and it was with reference to eviction that the question of compensation arose. There was also the question at the time of renewal but it was not for that purpose that this definition was enacted. It was for giving compensation at the time of eviction that this provision was made. When the Regulation was amended in 1108, this definition and other provisions were taken away, because there was to be no eviction thereafter. Therefore, my submission is that this is a definition which has long been put to the test and found sufficient.

Mr. M. Govindan: May I know whether the definition in the Jenmi and Kudiyan Regulation is not primarily meant for the purpose of assessing the enhancement of michavaram?

Mr. N. Ramakrishna Pillai: No. That is the reason why I referred to the fact that there were two occasions in which the question of compensation arose, namely, at the time of renewal and at the time of eviction. At the time of renewal the Kudiyan has to be given a concession on account of the improvements he has made. There are also cases in which the Kudiyan will have to be evicted and to be paid compensation for improvements.

Mr. M. Govindan: Are there not cases where the tenants' michavaram has to be enhanced because of the increase in the yield of the holding?

Mr. N. Ramakrishna Pillai: Yes, I understand that. That is why I said that there are two cases in which the question of improvement might arise; one at the time of eviction and the other at the time of renewals. It is at the time of payment of compensation for improvement during eviction that this question has to be considered.

The amendment was put to vote and lost.

Mr. M. Govindan: I move the following amendment:

"*In clause 2, sub-clause, (iii), Explanation I (b), line 1, after 'drainage' insert 'reclamation from rivers or other waters.'*"

This clause is again taken from the Malabar Act. At any rate I do not say that it was borrowed from the Punjab Act Whether

[Mr. M. Govindan.]

it be from the Punjab Act or from the Malabar Act, I consider that this is necessary. I would refer my friend to Section 4 (*e*) of the Malabar Tenants' Compensation Act which refers to rivers and other waters. I submit that in this country there are reclamations from backwaters.

(*At this stage the President left the Chair and Mr. V. S. Arumukham Pillai, one of the Panel of Chairmen occupied the Chair.*)

In fact, reclamation is one of the chief improvements of the tenant or occupant of land in Travancore Why should that alone be deleted from the definition? I consider that it has been deleted purposely. I am far from attributing any motives to anybody. The idea of making improvements is to get profit. In the case of persons who have made reclamations from backwaters, the courts of law will consider the omission of this phrase as purposive.

Mr. Kayalam Paramesvaran Pillai: What does the member say about the word "reclaiming" occurring in sub-clause (*d*) of the same Explanation?

Mr. M. Govindan: What I am referring to is reclamations from waters. There may be reclamations from land.

Mr. Kayalam Paramesvaran Pillai: Does clause (*d*) restrict itself to land?

Mr. M. Govindan: The Malabar Act contemplates improvement in respect of waters.

Mr. Kayalam Paramesvaran Pillai: Is not the same thing included in sub-clause (*d*)?

Mr. M. Govindan: I understand the question, I am considering why the word should occur in sub-clause (*d*) and not in sub clause (*b*). Sub-clause (*b*) is the part that deals with waters. In the British Indian Act it is included in sub-clause (*b*). I referred to the Malabar Act simply because there did not appear to be much sympathy with the particular angle of vision I am placing before this House .Now we are on the question of waters. Reclamation has been taken away from sub-clause (*b*) and put in another place.

Mr. M. N. Paramesvaran Pillai: May I ask whether the member does not want a comma after the word 'drainage'?

Mr. M. Govindan: I have no objection to that.

Mr. E. P. Varghese: The Malabar Tenancy Act does contain a provision for reclaiming from land.

Mr. M. Govindan: That is so. I do not claim any originality for my amendment. All that I say is that when you copy, copy well.

Mr. E. P. Varghese: May I ask the member whether clause 4 (*f*) of the Malabar Tenancy Act does not contain the word reclamation'?

Mr. M. Govindan : Sir, there is the word 'reclamation' in clause (*e*) as well as (*f*) of the Malabar Tenancy Act. One reclamation applies to land for agricultural purposes, and the other to waters.

Mr. M. N. Paramesvaran Pillai : May I ask the member whether he fears that no compensation will be given for reclamation ?

Mr. M. Govindan : My fear is that while copying we have omitted one important feature of reclamation.

Mr. Kayalam Paramesvaran Pillai : Was the author of the Bill a copyist ? (*Laughter.*)

Mr. M. Govindan : My friend Mr. Ramakrishna Pillai is particular that due credit should be given for originality.

Mr. N. Ramakrishna Pillai : May I point out that the present definition was in existence here long before the Malabar Tenancy Act was passed ?

Mr. M. Govindan : Then we must have been original and the British Indians must have copied from us. In this particular instance, however, it is not so. While I am accusing him of bad copying he says in effect that the Act from which they have copied is ours My friend the Law Member pointed out that the word 'reclaiming' occurs in another clause. That reclamation may be an altogether different one. In that context it may mean reclamation from forest land.

Mr. Kayalam Paramesvaran Pillai : Does grammer admit of that meaning ?

Mr. M. Govindan : It is more logic than grammer. It is not that you will be going and making clearances from waters. Of course by a little stretching of imagination, by a little straining of the meaning, we may include reclamation from water also. But my point is that we should not leave it vague for hair-splitting lawyers to say that reclamation from waters has been deliberately omitted.

Mr. Kayalam Paramesvaran Pillai : Does the member realise that the amendment would imply that a reclamation by the occupier may be claimed by another land-owner ?

Mr. M. Govindan : It is usually the adjacent owner that reclaims the backwater and makes improvement there. When the owner actually wants it back, the improvement must be paid for.

Mr. Kayalam Paramesvaran Pillai : Does it go to the adjacent owner as an accretion ?

Mr. M. Govindan : If it has become land by natural process, by deposits or water channel running through the land, then it becomes an accretion and it naturally goes to the owner of the adjacent land. But where the reclamation is made by spooning

[Mr. M. Govindan.]

up mud from the back water and, levelling, and planting with cocoanut and other trees, then it is a reclamation made by the man. It may so happen that the land may be owned by a distant land-owner and a lessee may be in possession of it. In such cases should not that improvement and reclamation also be specifically paid for?

Mr. Kayalam Paramesvaran Pillai: Is not such reclamation made sometimes on lands which are not included in the holding?

Mr. M. Govindan: Yes, I agree. According to the definition we have already passed, improvement may be made in another land and may be directly beneficial to the holding in question. So there is point in saying that this reclamation is made in another man's holding.

Mr. Kayalam Paramesvaran Pillai: I am mearly making a suggestion.

Mr. M. Govindan: The owner of the holding would not generally allow a stranger to make an improvement in front of his house. The fact is that the adjacent owner usually makes the improvement, and it enures to his benefit.

Mr. M. N. Paramesvaran Pillai: Suppose he makes an improvement in the middle of the Vembanad lake?

Mr. M Govindan: Compensation for the improvement should be given by the man to whom the title belongs when he claims to recover possession.

Mr. M N. Paramesvaran Pillai: Suppose the improvement is made in a place where it is not registered?

Mr. M. Govindan: Then it belongs to Government and they have to compensate.

Mr. M. N. Paramesvaran Pillai: Who will get compensation?

Mr. M. Govindan: The person who made the improvement will get compensation. In some cases there may be no adjacent owner at all. There is no necessity to mention him in the definition. For the purpose of my argument it is not necessary that the adjacent owner must get the benefit. Messrs. M. N. Paramesvaran Pillai and Kayalam Paramesvaran Pillai are both under the impression that it is very necessary that the adjacent owner should get it. I grant that position and argue that somebody ought to get the benefit. If the Sirkar is the owner, if they want to get the land they must pay for the improvement. Improvement ought to go to the owner in the event of recovery of possession. In the case pointed out by Mr. M. N. Paramesvaran Pillai, Sirkar is the owner. I commend the amendment to the acceptance of the House.

Mr. J. John Kattakayam: ൧൨-ാംനമ്പർ ഭേദഗതിയെപ്പററി എനിക്കു സംസാരിക്കാനുണ്ട്.

Chairman: ൩൭-ം ൩൮-ം ഒന്നുതന്നെ.

Mr. J. John Kattakayam: ൩൮-ാംനമ്പർ ഭേദഗതിയെപ്പററി പറയാനുള്ള അവകാശം എനിക്കുള്ളതാണ്.

Mr. E. P. Varughese. I do not think it is necessary to say anything more to make the position clear. It is sufficiently clear, that in a State like Travancore which is full of backwaters and canals such a provision as this is very essential and we should not leave it to be decided by the courts. It is necessary that we should make it clear that reclamation must be paid for. We should consider whether it is necessary or not. Under the conditions existing in Travancore I should think that such an amendment is quite necessary.

Chairman: The motion before the House is that in clause 2, sub-clause (iii), explanation 1 (*b*) line 1, after "drainage" insert "reclamation from river or other waters."

The amendment was put to vote and lost.

Mr. M. Govindan: I demand a poll.

A poll was taken and the House divided as follows.—

AYES—5.

1	Mr. Sayed M. Bava	4	Mr. C. M. Joseph
2	„ M. Govindan	5	„ E. P. Varghese
3	„ J. John Kattakayam		

NOES—11.

1	Mr. Kochikal P. Balakrishnan Tampi	6	Mr. M. N. Narayana Menon
		7	„ K. P. Nilakanta Pillai
2	„ Haji Hassan Yacoob Sait	8	„ K. Padmanabha Panickar
3	„ K. Madhavan Pillai	9	„ M. N. Paramesvaran Pillai
4	„ M. P. Madhavan Pillai	10	„ N. Ramakrishna Pillai
5	„ G. Narayana Aiyar	11	„ A. N. Visvanatha Pillai

NEUTRALS—11.

1	Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai	5	Mr. C. Kumara Das
		6	„ Kayalam Paramesvaran Pillai
2	Mr. K. Paramesvara Panickar	7	„ M. Govinda Pillai
		8	„ R. Pitchu Aiyangar
3	Rao Bahadur A. Rengasvami Aiyar	9	„ Mr. C. V. Chandrasekharan
		10	„ Mr. Erick Hall
4	Mr. K. R. Narayana Aiyar	11	„ S. Piraviperumal Pillai

The amendment was declared lost, 5 voting for the amendment, 11 against and 11 remaining netral.

Mr. E. P. Varughese; I rise to a point of order, whether it is in order for members who have not voted on any particular side to rise in infavour of one side when poll is demanded?

Mr. S. Piraviperumal Pillai: Can't they change their views?

Chairman: It is left to them.

Mr. E. P. Varughese: Not in a moment.

Mr. M. Govindan: Sir, I beg to move that:

"In clause 2, sub clause (iii) Explanation 1 (b) after 'floods', add 'or against erosion or other damage by water of land used for agricultural purposes or of waste land which is cultivable'?"

A similar provision contained in the Malabar Tenancy Improvement Act is to the following effect:—

> "the drainage, reclamation from rivers or other waters, or protection from floods, or from erosion or other damage by water of land used for agricultural purposes, or waste-land which is culturable"

But the latter portion of it has been omitted in copying. I ask why that portion was omitted?

Mr. K. P. Nilakanta Pillai: May I know whether the member is in a position to enlighten us as to the Act from which the present Bill has been borrowed?

Mr. M. Govindan: I think it is for the gentleman in charge of the Bill to say that.

And if my friend's investigations do not go so far as to find it out from the Malabar Tenants' Compensation Act I can only sympathise with him. It is in the legislative library or in the Public Library at Trivandrum.

Chairman: We had sufficient discussion on the Malabar Act. Please go on with the amendment.

Mr. M. Govindan: It is true that an identical provision is in the Malabar Act. I was saying that that book is available in the Law Member's office library.

Mr. K. P. Nilakanta Pillai: May I know whether the member can refer to the Bengal Tenancy Act to say that this Bill is a copy of it?

Mr. M. Govindan: What I want to state is that the provisions contained in these Acts are suitable to the conditions obtaining in Travancore. Here, in the amendment, the word "cultivable" is used instead of "culturable" which is found in the British Act. In Travancore damages are seen to occur by erosion of land due to floods. Even in Trivandrum we have all witnessed the damage caused by the Killiar during floods.

Mr. N. Ramarkishna Pillai: Was it due to erosion?

Mr. M. Govindan: It was caused by breaches where banks were taken away by the erosion of water. Now it is prevented by constructing masonry walls. In my place near Warkalai such happenings are common. The sea and backwater make breaches and encroaches into the lands. To prevent that, strong rubble walls are constructed in those places.

Mr. K. P. Nilakanta Pillai: Who have done that?

Mr. M. Govindan: The person who occupies the land. It may be the owner or a mortgagee or a lessee. If the mortgagee or lessee has done it, the value of improvement should be given to him. But a provision for that is absent here.

If the Government have made any such constructions to prevent the erosion by the sea, as in my place at Warkalai, then, of course, Government are not to be paid because they get tax from us as compensation for all these protective works. But in the case of private holders they must be given compensation.

Mr. Kayalam Paramesvaran Pillai: Are such works included in the Bill?

Mr. M. Govindan: They will not come in here.

Mr. E. P. Varughese: I support the amendment.

Mr. J. John Kattakayam: ഞാൻ ഈ ഭേദഗതിയെ അനുകൂലിക്കുന്നു. വെള്ളപ്പൊക്കംകൊണ്ടുള്ള കുത്തിഎടുക്കലിനേയും തരിശായി കിടക്കുന്ന സ്ഥലത്തു വെള്ളം കൊണ്ടുവരുന്നതിനുള്ള തോടുവെട്ടലിനേയും സംബന്ധിച്ചു കർഷകനു പ്രയോജനകരമായ ഫലംവരുത്തുന്ന ഒരു ഭേദഗതിയാണിതു്. അങ്ങനെ ഭേദഗതി ചെയ്യേണ്ട ആവശ്യത്തെപ്പറ്റി മി. ഗോവിന്ദൻ ഇവിടെ പറയുകയുണ്ടായി. ഈ ഭേദഗതി കർഷകൎക്കു വളരെ അത്യാവശ്യമാണു്. വെള്ളപ്പൊക്കംകൊണ്ടു കർഷകരുടെ വസ്തുക്കൾക്കൊ അല്ലെങ്കിൽ നിലങ്ങൾക്കൊ നാശങ്ങൾ ഉണ്ടാകുന്നു എന്നു കാണുമ്പോൾ അതിനെ പ്രതിരോധിക്കുന്നതിനു പൎയ്യാപ്തമായ നടപടികളെല്ലാം നടത്തുന്നതിനുള്ള സ്വാതന്ത്ര്യം നിശ്ചയമായും അവൎക്കുണ്ടായിരിക്കണം.

Mr. K. P. Nilakanta Pilla: മി. ഗോവിന്ദൻ പറഞ്ഞതു വെള്ളപ്പൊക്കംകൊണ്ടുണ്ടാകുന്ന ദോഷങ്ങളെ തടയുന്നതിനെപ്പറ്റിയാണോ?

Mr. J. John Kattakayam: മി. ഗോവിന്ദൻ പറഞ്ഞതു് തന്നെതു് അദ്ദേഹത്തിന്റെ അവകാശമാണെന്നാണു്. ഈ കാര്യം പറയുന്നതിനുള്ള അവകാശം എനിക്കുണ്ടെന്നു ഞാൻ വിചാരിക്കുന്നു.

Mr. K. P. Nilakanta Pillai: വെള്ളപ്പൊക്കത്തെ തടയുന്നതിൽവച്ചുണ്ടാകുന്ന നഷ്ടത്തെ പരിഹരിക്കാനുള്ള പ്രതിവിധി ഈ ബില്ലിൽത്തന്നെ ഇല്ലയോ?

Mr. J. John Kattakayam: ഉണ്ടായിരിക്കാം. എന്നാൽ അതു ഒന്നുകൂടി വിശദപ്പെടുത്തി പറഞ്ഞതുകൊണ്ടു് എന്തു തരക്കേടാണു വരുവാനുള്ളതു്.

അതുകൊണ്ടു്, ഇങ്ങനെ ഒരു ഭേദഗതികൂടി ഈ ബില്ലിൽ വരുത്തുന്നതു് വളരെ രക്ഷയാണു്. ഇതു കർഷകലോകത്തിനു ഏററവും അനുഗ്രഹപ്രദമായ ഒരു ഭേദഗതിയാണെന്നുള്ളതിൽ യാതൊരു സംശയവുമില്ല. വെള്ളപ്പൊക്കത്തെ നിരോധിക്കുന്നില്ലെങ്കിൽ കൃഷി നശിക്കും. കൃഷി നശിച്ചാൽ പിന്നെ സർവവും നശിക്കും, വക്കീലും നശിക്കും വൈദ്യനും നശിക്കും; വാധ്യാരും നശിക്കും വൈദികനും നശിക്കും (ചിരി)

Mr. K. P. Nilakanta Pillai: വെള്ളപ്പൊക്കത്തെപ്പററി മി. ഗോവിന്ദൻ ഒന്നും പറഞ്ഞില്ലല്ലോ.

Mr. J. John Kattakayam: മി. ഗോവിന്ദൻ ഒന്നും പറഞ്ഞില്ലെങ്കിൽ വേണ്ട. അതിനെപ്പററി പറയാനുള്ള അവകാശം എനിക്കുണ്ടു്.

Mr. K. P. Nilakanta Pillai: മി. ഗോവിന്ദൻ കൊണ്ടുവന്നിരിക്കുന്ന ഭേദഗതിയെ അല്ലേ മെമ്പർ പിൻതാങ്ങുന്നതു്?

Mr. J. John Kattakayam: അതേ. മി. ഗോവിന്ദൻകൊണ്ടുവന്ന ഭേദഗതിയെ ഞാൻ ബലമായി പിൻതാങ്ങുന്നു. വെള്ളപ്പൊക്കത്തിൽനിന്നും കൃഷിയെ രക്ഷിക്കുവാൻ കർഷകൻ സദാ സന്നദ്ധനാകേണ്ടതാണു്. ചിലപ്പോൾ ചിറ വെട്ടേണ്ടിവരും. വെള്ളപ്പൊക്കമുണ്ടാകുമ്പോൾ ചിറകെട്ടേണ്ടിവരും.

Mr. K. P. Nilakanta Pillai: May I bring to the notice of the Chair that it is absolutely irrelevant and has nothing to do with the amendment now under discussion?

Mr. J. John Kattakayam: സഭയെ നിയന്ത്രിക്കുവാൻ ചുമതലപ്പെട്ടുകൊണ്ടു ഒരു അദ്ധ്യക്ഷൻ ഇവിടെ ഇരിക്കുമ്പോൾ അദ്ദേഹത്തെ ഉണർത്തിക്കേണ്ട ഭാരം മററുമെമ്പറന്മാർക്കുണ്ടെന്നു എനിക്കു തോന്നുന്നില്ല.

Mr. E. P. Varghese : ഇതിൻെറ ബി. വകുപ്പിൽ വെള്ളപ്പൊക്കത്തെപ്പററി "flood" എന്നു പറഞ്ഞിട്ടില്ലേ?

Mr. J. John Kattakayam: ഉണ്ട്. എന്നാൽ എൻെറ മാന്യസ്നേഹിതൻ അവിടമൊന്നും നോക്കാതെ ചെയറിനെത്തന്നെ മുറുകെപ്പിടിച്ചുകൊണ്ടിരിക്കുകയാണ്. (ചിരി) ഈ വെള്ളപ്പൊക്കംതന്നെ ചിലപ്പോൾ ഉപകാരപ്രദമായിത്തീരും. മലകളിലും കുന്നുകളിലും നിന്നു വെള്ളം വന്നുകൊണ്ടിരിക്കും. അതിനെ തരിശു സ്ഥലങ്ങളിൽക്കൂടി ചാനൽ വെട്ടിവിട്ടാൽ കൃഷി സമൃദ്ധിയായുണ്ടാകും. ചിലപ്പോൾ വെള്ളം കയറാതിരിക്കുന്നതിനു ചിറകൾ കെട്ടേണ്ടിവരും. അല്ലെങ്കിൽ കല്ലടയാററിലെ ജലപ്രവാഹംപോലെ നിലങ്ങളിൽ വെള്ളം കയറി കൃഷിമുഴുവൻ നശിച്ചു എന്നും വരാം. വരമ്പുകൾ എല്ലാം തട്ടിത്തകർന്നുപോകും. ചിലസ്ഥലങ്ങളിൽ വെള്ളം തേകിഒഴിച്ചു കൃഷിനടത്താം. ഉത്തരതിരുവിതാംകൂറിൽ അങ്ങനെ ധാരാളം ചെയ്യാറുണ്ട്. അവിടെ ചാലുകൾ വെട്ടിനിലത്തിലേക്കു കൊണ്ടുവരും. ഇങ്ങനെയെല്ലാം ചെയ്യുന്നതിനുള്ള സ്വാതന്ത്ര്യം കർഷകനു കൊടുക്കുന്നതു് നിലത്തിനും, കൃഷിക്കും രാജ്യത്തിനുതന്നെയും ഉത്തരോത്തരം ശ്രേയസ്സായിരിക്കും.

Mr. K. P. Nilakanta Pillai : May I again remind you that the members argument is against that of Mr. Govindan's and he wants not to delete but to add something more?

Mr. J. John Kattakayam: ചാനൽവെട്ടുക എന്നുള്ളതു് കർഷകർക്കു ഒഴിച്ചുകൂടാൻ വയ്യാത്ത ഒരു കാര്യമാണ്. ഇതിനെപ്പററി ഞാൻ പറയുമ്പോൾ എൻെറ പ്രസംഗത്തെ തടയത്തക്കവിധത്തിൽ മററു മാന്യന്മാർക്കു പറയേണ്ട കാര്യമില്ല. ഇങ്ങനെ ചാനലുകൾ വഴി വെള്ളം കൊണ്ടുവന്നു കൃഷിനടത്തുന്ന അനേകം ഏക്കർ സ്ഥലങ്ങൾ ഉത്തരതിരുവിതാംകൂറിലുള്ളതായി എനിക്കറിയാം. ഈ ബില്ലിൽ 'ജലനിർഗ്ഗമനംകൊണ്ടും ജലപ്രവാഹംകൊണ്ടും' എന്നു പറഞ്ഞിരിക്കുന്നു. അതിനുപകരം വെള്ളപ്പൊക്കം കൊണ്ടുള്ള കുത്തിഎടുക്കലിനൊ വെള്ളംകൊണ്ടുണ്ടാകുന്ന മററു നാശങ്ങൾക്കൊ, അല്ലെങ്കിൽ കൃഷിക്കു ഉപയോഗമുള്ള തരിശുഭൂമികളിൽ വെള്ളം കയററുന്നതിനുള്ള ചാലുകൾ വെട്ടുന്നതിനൊ, എന്നുകൂടി ചേർക്കുന്നതിനു എന്താണു വിരോധം? കർഷകർക്കു ഇത്രവളരെ ഉപയോഗയോഗ്യമായിരിക്കുന്ന ഈ ഭേദഗതിയെപ്പററി ഒന്നും പറയാതിരിക്കുന്നതും ശരിയല്ല. ഇങ്ങനെയുള്ള ആവശ

[Mr. J. John Kattakayam.]

ത്തിലേക്കു ചാനൽ വെട്ടിയാൽ അതിനു ദേഹണ്ഡവില കിട്ടണമെന്നുള്ള വിചാരം കൊണ്ടാണു ഇത്തരത്തിൽ ഒരു ഭേദഗതികൊണ്ടുവന്നിരിക്കുന്നതു്. കർഷകർക്കു അത്രയെങ്കിലും സഹായമായിരിക്കട്ടെ എന്നുകരുതി, ആ സന്മനസ്സുകൊണ്ടു് ഇതിന്റെ അവതാരകൻ ഇങ്ങനെയൊരു ഭേദഗതികൊണ്ടുവന്നു. കർഷകനും അവന്റെ കൃഷിയുടെ അഭിവൃദ്ധിക്കും ഏററവും ആവശ്യമായ ഒരു ഭേദഗതിയാകുന്നു ഇതു്. അതുപോലെതന്നെ തരിശുസ്ഥലത്തുകൂടി ഏതൊരു ജലാശയത്തിൽ നിന്നായാലും കൊള്ളാം കൊണ്ടുവരുന്ന വെള്ളത്തിനും ദേഹണ്ഡവില കൊടുക്കേണ്ടതാകുന്നു.

Mr. K. P. Nilakanta Pillai : വെള്ളം എവിടെ നിന്നുവരുന്നു?

Mr. J. John Kattakayam : വെള്ളം പലയിടത്തുനിന്നും വരും. ആകാശത്തുനിന്നും വരും ഭൂമിയുടെ അടിയിൽനിന്നുംവരും. ഈ തിരുവനന്തപുരത്തുള്ളവർ ഇപ്പോൾ ഉപയോഗിക്കുന്നതു അരുവിക്കരയിൽനിന്നും മററും കൊണ്ടുവന്ന വെള്ളമല്ലേ? എറണാകുളത്തുപയോഗിക്കുന്ന വെള്ളം ചൊവ്വരയാററിൽ അല്ലെങ്കിൽ പെരിയാററിൽനിന്നും കൊണ്ടുവരുന്നു. ഇപ്പോൾ ആലപ്പുഴ മുതലായ സ്ഥലങ്ങളിൽ ഭൂമിക്കടിയിൽ നിന്നും വെള്ളം കൊണ്ടുവരാൻ ശ്രമിക്കുന്നു എന്ന കാര്യം എന്റെ ബഹുമാന്യമെമ്പർക്കറിയാമായിരുന്നിട്ടും വെള്ളം എവിടെ നിന്നുവരുന്നു എന്നു ചോദിക്കുന്നതിനു ഞാൻ എന്താണു പറയേണ്ടതു്? (ചിരി)

തരിശു സ്ഥലങ്ങളിൽ കൃഷി ചെയ്യുന്നതിനു ചാനലുകളോ തോട്ടുകളോ വെട്ടേണ്ടിവരും. ചാനലുകൾക്കു ഓരോ സ്ഥലത്തു ഓരോ പേരാണുള്ളതു. ഉത്തരതിരുവിതാംകൂറിൽ അതിന്നു് തോട്ടു് എന്നാണു പറയുന്നതു്.

Mr. K. P. Nilakanta Pillai : തോട്ടുകളെപ്പററി ഈ ഭേദഗതിയിൽ ഒന്നും പറയുന്നില്ലെന്നു മെമ്പർ ഗ്രഹിച്ചിട്ടുണ്ടോ?

Mr. J. John Kattakayam : നല്ലതുപോലെ ഗ്രഹിച്ചിട്ടുണ്ടു്. ഒരുപക്ഷെ, മെമ്പറെക്കാൾ കൂടുതൽ ഗ്രഹിച്ചിട്ടുണ്ടു. അതുകൊണ്ടു ഈ ഭേദഗതികൂടി വരുത്തണം. അതുകൂടാതെ ഈ ബില്ല് പാസാകുകയാണെങ്കിൽ അതു കർഷകനു വളരെ ദോഷത്തെ ചെയ്യും. വർഷം വരുമ്പോൾ ചിറകൾ കൈകെട്ടും അതിനുള്ള പ്രതിഫലവും അവർക്കു കിട്ടണം.

The amendment was put to vote and lost.

Mr. M. Govindan : I demand a poll.

A poll was taken and the House divided as follows :

AYES—4.

1. Mr. M. Govindan.	3. Mr. Sayed M. Bava
2. „ J. John Kattakayam	4. „ E. P. Varghese.

NOES—9.

1. Mr. K. P. Nilakanta Pillai	5. Mr. M. P. Madhavan Pillai
2. „ K. Padmanabha Panickar	6. „ Haji Hassan Yacoob Sait
3. „ M. N. Paramesvaran Pillai	7. „ K. Madhavan Pillai
4. „ G. Narayana Aiyar	8. „ N. Ramakrishna Pillai
	9. „ A. N. Visvanatha Pillai

NEUTRALS- 10.

1. Mr. Eric Hall	6. Mr. K. R. Narayana Aiyar
2. „ M. Govinda Pillai	7. „ K. Paramesvara Panickar
3. „ Kayalam Paramesvaran Pillai	8. „ S. Piraviperumal Pillai
4. „ C. Kumara Das	9. „ R. Pitchu Aiyangar
5. „ Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai	10. Rao Bahadur A. Rengasvami Aiyar

The amendment was declared lost, 4 voting for the amendment, 9 against and 10 remaining neutral.

Mr. M. Govindan : Sir, I beg to move that in clause 2, sub-clause (iii), Explanation 1 (c) between "planting" and "of" insert "or protection and maintenance".

I would place before the House one fact namely, that the importance of this amendment should not be lost sight of whether the amendment is accepted or not. Explanation I to clause 2, sub-clause (iii), says "Until the contrary is shown, the following shal- *inter alia* be presumed to be improvement". There is a presumption in favour of these undermentioned items of improvements, and if a tenant or occupant of land makes an improvement of this particular kind, then there is a presumption in his favour that it is an improvement to be paid for. It is in respect of that that I am now moving this amendment. Explanation I (c) is to the effect that the planting of trees may be treated as improvement. I ask whether the protection and maintenance of trees should not also be treated as improvement. Now I will give one illustration. Suppose a land is leased. There were fifty pit cocoanut plants at the time of leasing. I am not saying that to-day improvement will be paid for or not. What I say is that it is the tenant who takes care of them and

[Mr. M. Govindan.]

who protects and maintains them until they become fruit-bearing, and when he is redeemed by the true owner who comes into possession, should not this protection and maintenance be treated as an improvement and the tenant paid for ?

Mr. M. N. Paramesvaran Pillai: How can that be ascertained ?

Mr. M. Govindan: Methods are matters of detail. The question is whether it should be presumed.....................

Mr. K. P. Nilakanta Pillai: Will there be any improvement, if the trees are not protected ?

Mr. M. Govindan: I am in perfect agreement with my friend, whatever his intention may be, because my friend's question may be treated as favourable to me or unfavourable to me. What is in the mind of man, even God does not know. What I say is that the planting of a tree is not any more important than the maintenance and protection thereof. When a tree has been maintained and protected by a person who may not have planted it, it is an important improvement. Though he cannot be said to have taken the initiative in the improvement ; yet he is a partner in it and his interest is more than that of a person who spends four chackrams for purchasing a plant and planting it. The tenant has to take care of the plant for 10 years before it yields; and therefore when he is ejected he ought to be compensated. My humble submission before this House is that his condition must be sympathetically viewed and provision made. If I spoke without any analogy, elsewhere it would have been treated as originality. I do not claim originality for this, for it is provided in Section 4 (*b*) of the Malabar Tenants' Compensation Act that planting, protection and maintenance of fruit trees and other useful trees should be paid for.

Mr. Kayalam Paramesvaran Pillai: Is it the member's point that the protection and maintenance by a lessee of the trees leased to him is an improvement ?

Mr. M. Govindan: I do not say that the protection and maintenance of every full-blown tree should be paid for.

Mr. Kayalam Paramesvaran Pillai: Does not the amendment mean that ?

Mr. M. Govindan: I have no objection to a proviso being added. In the case of grown-up trees they cannot be reached by stray cows and other animals which are the worst enemies of young trees, and, therefore, they do not require protection or maintenance. It is only in the tender years that the young trees require nurturing. In moving this amendment I wanted planting, maintenance and protection to be brought within the purview of the clause.

Mr. G. Narayana Aiyar: Besides that, should he not be paid the cost of protection and maintenance?

Mr. M. Govindan: That is an improvement, and the improvement must be paid for at the time of calculation. If it is a cocoanut tree that has been planted one month before the lease when it becomes an yielding tree you have to pay for it. For one month from the date on which it is leased, the owner is responsible for planting and taking care of it. An approximate share may be given to him and the rest of it capitalised at 8 $\frac{1}{3}$ years purchase. Three-fourths of three-fourths of this amount will be the share due to the tenant.

The exact share is another matter. What I want is that there should be no uncertainty that a share of compensation is due to the tenant.

Mr. M. N Paramesvaran Pillai: Does the member say that according to the present provision the tenant will be entitled to get compensation only for the actual planting?

Mr. M. Govindan: Suppose a tree is planted now and leased to a tenant for 3 years. Three years hence it may not reach the fruit bearing stage. He will not then get any compensation. If the owner himself planted a tree and the tenant has been nurturing it for three years, then according to the present law, in the administration of which myself and Mr. M. N. Paramesvaran Pillai are helping the courts, he knows as well as myself that the man who has been nurturing the plant will not get anything.

Mr. M. N. Paramesvaran Pillai: Suppose the plant has reached the fruit bearing stage. Should the tenant be paid anything for watering it and maintaining it? If the amendment is accepted it will come to that.

Mr. M. Govindan: If my friend will give me an assurance that in respect of the plants planted by the jenmi, the tenant will get the whole value as if he planted them, then there would have been no difficulty.

Mr. K. P. Nilakanta Pillai: What is the present practice?

Mr M. Govindan: The present practice is not to give any compensation.

Mr. K. P. Nilakanta Pillai: May I ask the member whether the age of trees is not taken into consideration in ascertaining the value?

Mr. M. Govindan: The age of trees is taken into consideration only for determining who planted them. If a tree existed before the date of the mortgage or lease then no compensation will be paid for it. That is my understanding of the law. If my friends, Messrs. Nilakanta Pillai and M. N. Paramesvaran Pillai, will convince me that I am wrong, then I will consider that my advocacy has been in vain. But the facts are otherwise. Under the present law the tenants do not get anything.

Mr. M. N. Paramesvaran Pillai: May I point out that there is provision in clause 6 for the valuation of improvements?

Mr. M. Govindan: We have not come to clause 6. I cannot assume that clause 6 will be passed until we actually do so.

Mr. G. Narayana Aiyar: Does the member think that according to contract the tenant is not entitled to get value for improvements made?

Mr. M. Govindan: My friend Mr. Narayana Aiyar is under the impression that the sacredness of contract will be broken. What I say is that we are only creating a presumption in favour of the view that the particular act that we are mentioning here is an improvement. It will be presumed to be an improvement until the contrary is proved. If, as Mr. Narayana Aiyar points out, there is an express provision in the contract between the tenant and the jenmi that a particular act will not be paid for then it can never be considered to be an improvement.

Mr. G. Narayana Aiyar: Suppose there is no contract. At the time of eviction it is found that there are bearing trees older than the lease itself. Is the tenant entitled to be paid?

Mr. M. Govindan: Is my friend under the impression that he is entitled to get anything under the present law?

Mr. G. Narayana Aiyar: He is not entitled to get anything according to the contract.

Mr. M. Govindan: What I say is that he should get something. For the mere fact that an owner has planted a seedling worth four chackrams and given it to a lessee, the tenant who takes care of it for ten years, Mr. Narayana Aiyar wants that he should not be paid any compensation for looking after it. Mr. Nilakanta Pillai and Mr. M.N. Paramesvaran Pillai think that he should be paid for only if there is a provision in the contract.

Mr. G. Narayana Aiyar: What I am asking is whether the Legislature should amend the law or whether the question should be left to the jenmi and the tenant to contract?

Mr. M. Govindan: All that I say is that he should be paid for.

Mr. E. P. Varghese: Should he not be paid for it in equity?

Mr. M. Govindan: He should be.

Mr. Kayalam Paramesvaran Pillai: Why are the courts not paying for it now?

Mr. M. Govindan : They are following a sort of cast-iron method of doing the work. The mortgage is ten years old ; the tree is ten years old ; the finding of the court is that the tree belongs to the owner and that no compensation is necessary for the tenant. But for the tenant's care and protection, the tree would not have grown up.

Mr. E. P. Varghese : Do the Commissioners include such trees in their valuation ?

Mr. M. Govindan : They do not. They will only take into consideration the trees that have been planted after the date of the demise. If a tree is two days older than the demise then they will put it down as an old tree for which compensation need not be paid for. It will be highly inequitable if we do not include those cases.

Mr Kayalam Paramesvaran Pillai : May I know why the courts are perpetuating such inequity ?

Mr. M. Govindan : The fact is that there are many wrong things done by courts, as well as right things. This is one of the wrong things. My friend is perhaps under the impression that we should codify the existing practice.

Mr. Kayalam Paramesvaran Pillai : I only wanted to know from Mr. Govindan whether there is any need for a law.

Mr. M. Govindan : I have admitted that already. I say that it should be more in sympathy with the moving times.

Mr. M. N. Paramesvaran Pillai : May I know whether valuable trees are not growing in a land without any attention, such as the *anjili* and the portia trees ?

Mr. M. Govindan : Here we are not making a hard and fast rule. We are only creating a presumption in favour of the tenant. A particular tree such as the *anjili* may grow without attention. But even in the case of the *anjili* trees as a rule some attention is necessary.

Mr. M. N. Paramesvaran Pillai : Are there not High Court rulings to show that such trees grow spontaneously ?

Mr. M. Govindan : There is one Mr. Kolappa Pillai's "Rulings to the contrary."

Mr. M. N. Paramesvaran Pillai : Are not those rulings unreported rulings ?

Mr. M. Govindan : Yes.

Mr. M. N. Paramesvaran Pillai : Are there not reported rulings which show that *anjili* trees grow spontaneously ?

Mr. M. Govindan : Sir, that is a minor matter. My friend is trying to sidetrack my attention. He wants to concentrate attention on *anjili* trees. I have no quarrel with him on account of those trees.

Mr. M. N. Paramesvaran Pillai: I drew the attention of the member to the *anjili* trees in order to take him away from the Malabar Tenancy Act. (*Laughter.*)

Mr. M. Govindan: In respect of the *anjili* tree, my friend was suggesting that there are conflicting decisions. The question is whether a tree which requires nurture and protection has to be paid for and whether we should include in this clause maintenance and protection in respect of the presumption sought to be created in favour of the improvement by the tenant.

A pertinent question was put to me by Mr. M. N. Paramesvaran Pillai whether *anjili* tree has to be protected or not. That tree requires protection has been ruled by the High Court.

Mr. M. N. Paramesvaran Pillai: Does that ruling apply to all places or only to particular places?

Mr. M. Govindan: So far as I can remember my friend is right when he suggests that the expression "in certain localities" is an expression that finds a place in that ruling.

Mr. E. P. Varghese: Does the member want spontaneity to depend upon certain places?

Mr. M. Govindan: What is spontaneous in one place may require planting and nourishing in another place. It is not enough to pay value for only trees planted by the tenant. It is necessary also to pay value for trees of which he has been chiefly responsible for maintenance and protection.

Mr. M. N. Paramesvaran Pillai: What is the sort of protection to be paid for a laurel tree?

Mr. M. Govindan: It may not require as much attention as a coconut tree. A commissioner who is sent for valuation will not give as much value for a laurel tree as for a coconut tree.

Mr. M. N. Paramesvaran Pillai: May I know whether there is any provision in this Bill to ascertain the expense for such maintenance charges?

Mr. M Govindan: There is no provision. But there are the rule-making powers; and rules may be made to fix the rate for such maintenance charges.

Mr. E. P. Varghese: Cannot the assessors determine that question also?

Mr. M. Govindan: I thank Mr. Varghese for reminding me of the assessors. My own impression is that these assessors may be got rid of. I have tabled amendments to that effect.

Mr. M. N. Pramesvaran Pillai: May I point out that the provision in the Bill does not give any power to the High Court to make rules for the appointment of assessors?

Mr. M. Govindan: If the provision for the appointment of assessors is deleted as a result of my amendment, then there will come the old commissioners who will do this work. Anyhow, there will be proper authority to apportion the share that is due to a tenant for the protection that he bestowed upon the tree and that for the owner. With these words, I commend the amendment for the acceptance of the House.

Mr. J. John Kattakayam: ഞാൻ ഈ ഭേദഗതിയെ അനുകൂലിക്കുന്നു. തനിയെ വളരുന്ന വൃക്ഷങ്ങൾ നട്ടുപിടിപ്പിക്കുക, അവയെ സംരക്ഷിക്കുക ഈ ഭാഗങ്ങൾകൂടി ഉണ്ടായിരുന്നെങ്കിലല്ലാതെ കർഷകനു വാസ്തവത്തിൽ ഗുണമൊന്നുമില്ല. ഈ ബില്ലുകൊണ്ട് എല്ലാം തീന്നിരിക്കുകയാണ്. ഈ ഭേദഗതിയെങ്കിലും വരുത്തിയാൽ അല്പം ആശ്വാസമാകുമെന്നുമാത്രം വിചാരിക്കാം. ചില കൃഷിക്കു ഉപയുക്തമായ സംരക്ഷണത്തിനു ചില വൃക്ഷങ്ങൾതന്നെ വേണ്ടിവരും. തേയിലത്തോട്ടങ്ങൾ സന്ദർശിച്ച ആളുകൾ അവിടെ ഒരുമാതിരി മുരിക്കുവെച്ചുപിടിപ്പിച്ചിട്ടുള്ളതായി കണ്ടിരിക്കാനിടയുണ്ട്. അതു ശീമമുരിക്കാണ്. ദൂരസ്ഥലങ്ങളിൽനിന്നും അതിന്റെ അരികൊണ്ടുവന്നു ഇവിടെ വളർത്തുന്നതാണതു്. ദേഹണ്ഡവില കണക്കാക്കുന്ന സമയത്തു ഇങ്ങനെയുള്ള ദേഹണ്ഡങ്ങൾക്കൊന്നിനും ഒരു ദേഹണ്ഡവും കിട്ടുകയില്ല. തെങ്ങിനും, കമുകിനും, പ്ലാവിനും മാത്രം കിട്ടും ബാക്കിയുള്ളതിനൊന്നിനും ദേഹണ്ഡം കൊടുക്കാതെ കഴിക്കാം. തേയിലയെപ്പററിയുള്ള ദേഹണ്ഡം എടുക്കുമ്പോൾ ഈ മുരിക്കിനു ദേഹണ്ഡംകൊടുക്കണ്ടേ? ഈ ശീമമുരിക്കു തേയിലകൃഷിക്കുപകരിക്കത്തക്ക വിധത്തിലാക്കിത്തീർക്കുന്നതിനു പണച്ചിലവില്ലേ? റബ്ബറിനു യാതൊരു വിലയുമില്ലാതിരുന്ന കാലത്തു അതിന്റെ ശിഖരങ്ങളെല്ലാം മുറിച്ചു മുളകുകൊടി പടത്തിയിട്ടുള്ളതായി എനിക്കറിയാം. ഇപ്പോൾ ആരെങ്കിലും ദേഹണ്ഡം കാണാൻ ചെന്നാൽ മുളകുകൊടിയുടെ ദേഹണ്ഡം മാത്രം കണ്ടാൽ മതിയെന്നു വിചാരിക്കും. അതുപോലെ ആഞ്ഞിലിമുതലായ വൃക്ഷങ്ങൾക്കും ദേഹണ്ഡമില്ല.

Mr. E. P. Varghese: തൊടുപുഴത്താലൂക്കിൽ ആഞ്ഞിലി വെറുതേ വളർന്നു വരുമോ?

Mr. J. John Kattakayam: ഈ ബില്ലു അവതരിപ്പിച്ചയാളിന്റെയും മററുള്ളവരുടേയും മനോഭാവം കണ്ടാൽ ആഞ്ഞിലി എന്നുവേണ്ട എല്ലാംതന്നെ, വെറുതെ വളർന്നുവരുന്ന വൃക്ഷങ്ങളാണെന്നു തോന്നും. കഷ്ടിച്ചു തെങ്ങും കമുകും പ്ലാവും മാത്രം വെറുതെ വളരുന്നില്ല. ഗവ

[Mr. John Kattkayam.]

ണ്മെൻറുദ്യോഗസ്ഥന്മാർപോലും ആദ്യം ഞങ്ങളുടെ അഭിപ്രായത്തെ എതിർത്തുകൊണ്ടാണിരുന്നിട്ടുള്ളതു്. എന്നാൽ ഇപ്പോൾ അവർ നിഷ്പക്ഷമായി നില്ക്കുന്നു. കുറെക്കൂടി കഴിയുമ്പോൾ അവർ നമ്മോടുകൂടി യോജിക്കുമെന്നു ഞാൻ വിചാരിക്കുന്നു. 'കട്ടക്കയം വെറുതെയല്ല കണ്ഠക്ഷോഭം ചെയ്യുന്നതു്' എന്നു അവർ പറയും.

Chairman : നിങ്ങൾ ഭേദഗതിയെപ്പററി മാത്രം സംസാരിക്കുക.

Mr. J. John Kattakayam : സർ, പറഞ്ഞുവന്നപ്പോൾ ഇതുകൂടി പറഞ്ഞു എന്നേയുള്ളു. അതിൽ മാത്രമല്ല, ഈ ബില്ല് അവതരിപ്പിച്ച ആളിൻെറ ഭാഷയിൽ പറയുകയാണെങ്കിൽ എല്ലാം വെറുതെ വളരുകയാണു്. ഭേദഗതിക്കാരൻെറ ഭാഷയിൽ പറഞ്ഞാൽ വെറുതെ ഒന്നും വളരുകയില്ല. നാം ഒരു വനത്തിൽ പോയി നോക്കണം. അങ്ങോട്ടു നമ്മെ കേററുകയില്ല. എങ്കിലും സൗകര്യം പോലെ അവിടെ ചെന്നാൽ അറിയാം വൃക്ഷങ്ങൾക്കു സംരക്ഷണം ആവശ്യമുണ്ടോ എന്നു്. അതുകൊണ്ടു് എല്ലാ വൃക്ഷങ്ങൾക്കും ആ വൃക്ഷങ്ങളുടെ സംരക്ഷണത്തിനും രക്ഷക്കും പര്യാപ്തമായ വില കൊടുക്കേണ്ടതാണു്. അതിനു ഈ ഭേദഗതി കൂടി ആ വകുപ്പിൽ ഘടിപ്പിക്കുന്നില്ലെങ്കിൽ കർഷകനു യാതൊരു രക്ഷയും ഉണ്ടാകുന്നതല്ല. ഈ ഭേദഗതി പാസാക്കണമെന്നു ബഹുമാനപ്പെട്ട എൻെറ സ്നേഹിതന്മാരോടു അഭ്യർത്ഥിച്ചുകൊണ്ടു് ഞാൻ എൻെറ വാക്കുകളെ ഉപസംഹരിച്ചുകൊള്ളുന്നു.

The amendment was put to vote and lost.

Mr. M, Govindan : I move that, in clause 2, sub-clause (iii) Explanation I (d), insert the word "clearing" between the words "reclaiming" and "enclosing". The clause as amended would read thus :—" the reclaiming, *clearing*, enclosing, levelling, terracing of land and other works of a like nature for agricultural purposes ". I wish to point out that here also the word "clearing" is found in the Malabar Tenants Compensation Act of 1912. I am surprised that those who are responsible for drafting this piece of legislation had not taken the trouble to look into similiar legislations elsewhere. Either they might have deliberately omitted this expression or they did not take care to look into them. In either case it is bad. They owe a responsibility to this House. The framers of this legislation had access to all the previous legislations on the point.

Mr. M. N. Paramesvaran Pillai: Did not the member himself point out when dealing with amedment No. 17, that the expression "reclamation" would also mean "clearing"?

Mr. M. Govindan: That was not what I meant. Reclamation may include reclamation from backwaters. We are concerned with clearing from jungles. It is quite clear that in this case this particular word which was quite necessary was deliberately or negligently omitted. I want only the word "clearing" to be added between the words "reclaiming" and "enclosing". If that word could serve some purpose in the British Indian Act, it would serve us also the same purpose. I do not say that every word found in the British Indian enactments should be inserted here also if it is found to be unnecessary or unsuitable.

Mr. G. Narayana Aiyar: In view of the other provisions of the Bill can the member adopt that expression?

Mr. M. Govindan: The insertion of that expression may make it a little more comprehensive. When you are enacting a piece of legislation and want to adopt the language found elsewhere it is better to make a little research and find out parallel legislations and adopt all the words employed in them, and not omit some which may after all prove material when cases come before courts of law. With these observations, I commend this amendment to the acceptance of the House.

Mr. J. John Kattakayam: ഞാൻ ഈ ഭേദഗതിയെ അനുകൂലിക്കുന്നു. 'ഭൂമി വെട്ടിത്തിരുത്തുകയും കെട്ടിയടക്കുകയും' എന്നുള്ളതിനിടക്കു "വെട്ടിത്തുറക്കുകയും" എന്നു ചേർക്കണം. അങ്ങിനെ ചേർക്കുന്നതുകൊണ്ടു കർഷകർക്ക് സാരമായ ഗുണം ഉണ്ടാകുന്നതാണ്. ഇതാണ് എന്റെ സ്നേഹിതൻ മിസ്റ്റർ ഗോവിന്ദനെ ഈ ഭേദഗതി ഇവിടെ അവതരിപ്പിക്കുന്നതിനു പ്രേരിപ്പിച്ചതു് എന്നു ഞാൻ വിചാരിക്കുന്നു.

Mr. E. P. Varghese: മലം പ്രദേശങ്ങളിൽ കൃഷി ചെയ്യുന്നവർക്ക് ഈ ഭേദഗതി വളരെ ആവശ്യമല്ലയോ?

Mr. J. John Kattakayam: മലം പ്രദേശങ്ങളിൽതന്നെയല്ല, നിലം പ്രദേശങ്ങളിൽ കൃഷിചെയ്യുന്നവർക്കും വളരെ അത്യാവശ്യമായ ഒരു ഭേദഗതിയാണ് ഇതു്. ഈ കാര്യം ബില്ലിന്റെ അവതാരകൻ ഉപേക്ഷിച്ചതു് വളരെ കഷ്ടമായിപ്പോയി. അതുകൊണ്ടു് ഈ ഭേദഗതികൂടി വരുത്തണമെന്നാണ് ഞാൻ പറയുന്നതു്.

The amendment was put to the vote of the House and lost.

Mr. M. Govindan : Sir, I demand a poll.

A poll was taken with the following result.

AYES—4.

1	Mr. C. M. Joseph	3	Mr. E. P. Varghese
2	,, M. Govindan	4	,, J. John Kattakayam

NOES—10.

1	Mr. Kochikal P. Bala-krishan Tampi	6	,, K. P. Nilakanta Pillai
2	,, G. Narayana Aiyar	7	,, K. Padmanabha Panickar
3	,, M. P. Madhavan Pillai	8	,, M. N. Paramesvaran Pillai
4	,, K. N. Kesavan Nampu-tiripad	9	,, M. N. Narayana Menon
5	,, N. Ramakrishna Pillai	10	,, A. N. Visvanatha Pillai

NEUTRALS—11.

1	Mr. C. V. Chandrasekharan	7	Rao Bahadur Rajyaseva-nirata Dr. N. Kunjan Pillai
2	,, M. Govinda Pillai	8	Mr. R. Pitchu Aiyangar
3	,, Kayalam Paramesvaran Pillai	9	,, C. O. Madhavan
4	,, C. Kumara Das	10	,, Eric Hall
5	,, K. R. Narayana Aiyar	11	,, S. Piraviperumal Pillai
6	,, K. Paramesvara Panickar		

The Amendment was declared lost, 4 voting for the amendment, 10 against and 11 remaining neutral.

Mr. M. Govindan : I beg to move the following amendment ;

In clause 2, Explanation I (d), line 2 between "agricultural" and "purposes" insert "or building".

Mr. Kayalam Paramesvaran Pillai : Is this found in the Madras Act ?

Mr. M. Govindan : No. This is original. The Law Member may claim originality in making alterations. I claim a little originality in moving this amendment.

Now, land may be given not only for agricultural purposes but for other purposes as well ; for instance, for building sites. It is quite open to a man in the town to take lands on mortgage and construct buildings.

Mr. M. N. Paramesvaran Pillai : May I point out that the next clause provides that "the erection of farm buildings, dwelling houses, cattle sheds or other structures or permanent walls (including kayalas)" may be presumed to be improvements ?

Mr. M. Govindan: From the question, I infer my friend has not read carefully the particular clause. I am saying that reclamations include levelling of land. Levelling is necessary for building purposes. At the fag end of the day, receptivity is perhaps less than in the earlier part of the day. Otherwise my friend with his well-known virility of intelligence would not have cared to put this kind of question. Now coming to the question before us in towns like Trivandrum, there are so many ups and downs. Suppose a man by cutting the laterite or rock makes a levelling?

Mr. M. N. Paramesvaran Pillai: Is levelling included in the clause?

Mr. M. Govindan: Section 2 (iii) Explanation I (d) reads thus "the reclaiming, enclosing, levelling etc." Was my friend under the impression that it was not included? My friend should have looked into the clause and then put questions instead of taking up the valuable time of the House.

Mr. M. N. Paramesvaran Pillai: Does the member want an aerodrome to be included in that?

Mr. M. Govindan: That question does not arise. "Building purposes" is one for which most lands in Trivandrum are utilised. So, if for building purposes also, lands are levelled or terraced, the man who makes such improvement has to be paid for it. It is better that the provisions are not made imperfect but are comprehensive enough to include such cases. With these words, I commend this amendment to the acceptance of the House.

Mr. E. P. Varghese: I support the amendment moved by my friend Mr. Govindan. Generally, when we give compensation for the improvement of land we give compensation also for the buildings which exist there. My friend Mr. M. N. Paramesvaran Pillai asked whether compensation will be paid for an aerodrome. That depends upon the nature of the holding. See whether the construction of an aerodrome is an improvement of the land. Moreover, if a land is levelled and terraced for the construction of a building no harm is done to the land and so improvement should be paid for the building by the landlord at the time when the occupant is evicted.

Mr. M. N. Paramesvaran Pillai: Suppose a tennis court and club house is built?

Mr. E. P. Varghese: The question here is only whether any improvement made on the land has raised the value of the land. If the value of the land has been increased then it must be paid for.

The amendment was put to the vote of the House and lost.

Mr. S. Piraviperumal Pillai: Sir, I demand a poll.

A poll was taken with the following result.

AYES 4.

1	Mr. M. Govindan	3	„ C. M. Joseph
2	„ J. John Kattakayam	4	„ E. P. Varghese

NOES 10.

1	Mr. Kochikal P. Balakrishnan Tampi	6	„ K. P. Nilakanta Pillai
2	„ K. N. Kesavan Namputiripad	7	„ K. Padmanabha Panickar
3	„ M. P. Madhavan Pillai	8	„ M. N. Paramesvaran Pillai
4	„ G. Narayana Aiyar	9	„ N. Ramakrishna Pillai
5	„ M. N. Narayana Menon	10	„ A. N. Visvanatha Pillai

NEUTRALS 11.

1	Mr. C. V. Chandrasekharan	7	Mr. K. R. Narayana Aiyar
2	„ Eric Hall	8	„ K. Paramesvara Panickar
3	„ M. Govinda Pillai	9	„ S. Piraviperumal Pillai
4	„ Kayalam Paramesvaran Pillai	10	„ R. Pitchu Aiyangar
5	„ C. Kumara Das	11	„ Rao Bahadur A. Rengasvami Aiyar
6	Rao Bahadur Rajyasevanirata Dr N. Kunjan Pillai		

The amendment was declared lost, 4 voting for the amendment, 10 against and 11 remaining neutral.

The Council adjourned at 4—30 P. M. to meet again the next day.

P. PARAMESVARAN PILLAI,

Secretary to the Sri Chitra State Council.

PROCEEDINGS
of
THE TRAVANCORE SRI CHITRA STATE COUNCIL

(OFFICIAL REPORT.)

FIRST COUNCIL

VOLUME IX—NUMBER 9.
NINTH SESSION—1937/1112.

Thursday, the 18th March, 1937/5th Meenam, 1112.

The Council met in the Victoria Jubilee Town Hall at Eleven of the Clock, with Sachivottama Sir C. P. Ramaswami Aiyar, K. C. I. E., Dewan-President in the Chair.

QUESTIONS AND ANSWERS.

List of officers who were granted extension of service since 1-1-1108.

156 ***Mr. E P. Varghese** (*Nominated*) : Will the Government be pleased to state a caste-war list of persons in Government service granted extension beyond the age of 55 since 1-1-1108?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai (*Chief Secretary to Government*) :

A.	*Hindu.*		
	1 Brahmin	...	27
	2 Nayar	...	61
	3 Other caste Hindu	....	12
	4 Kammala	...	1
	5 Nadar	...	Nil.
	6 Ezhava	...	Nil.
	7 Cheramar	...	Nil.
	8 Other Hindu	...	3
B.	*Muslim.*	...	3
C.	*Christian.*		
	1 Jacobite	...	2
	2 Marthomite	...	6
	3 Syriac Catholic	...	2
	4 Latin Catholic	...	1
	5 Sonth India United Church	...	Nil.
	6 Other Christians	...	6

G. P. T. 2740. 350. 6-11-12.

Mr. E. P. Varghese: May I know on what principle extension is granted?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: Physical and mental capacity, character, and merits are all taken into consideration.

Mr. M. N. Paramesvaran Pillai (*Municipal Council*): May I know whether the principle is applied to the case of individuals having technical qualifications or others?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: It applies to all.

Mr. M. N. Paramesvaran Pillai: May I know whether in the case of non-technical men, their services, are indispensible even after they reach fifty-five?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: In some cases Government may find it necessary to grant extension to such men also.

Mr. M. N. Paramesvaran Pillai; What are the grounds on which extension is given?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: I have already given the answer to that question.

Mr. M. N. Paramesvaran Pillai: May I know whether Government have retired persons who have got capacity at the age of fity-five?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: Government may have done so for other reasons.

Trespass on lands near the grazing ground in Cheranallur pakuthi.

157 ***Mr. G. Narayana Aiyar** (*Kunnatnad* cum *Parur*): Will the Government be pleased to state:

(*a*) whether most of the roads and lanes leading to the grazing-ground in Survey No. 351/1 in Cheranallur pakuthi are completely blocked up by trespassers;

(*b*) whether major portion of the grass growing plot in that ground has been trespassed upon by the public at large and cultivated and made difficult for cattle to graze;

(*c*) whether most of the tanks that lay in the slopes of the grazing-ground and used by cattle for drinking purposes have been trespessed upon, levelled and made unfit for retaining water and whether there are any tanks now existing in the grazing ground;

(*d*) what is the total extent of the trespass and what is the nature of the plot trespassed upon: and

(*e*) what is the total extent of the plot covered by granite in the grazing ground?

Mr. K. Paramesvara Panickar (*Ag. Secretary to Government*): (*a*) The answer is in the negative.

(*b*) No.

(*c*) No.

(*d*) There were 37 encroachments on the grazing block comprising an area of 49 acres 23½ cents.

(*e*) About 130 acres.

Mr. G. Narayana Aiyar; With reference to answer to part (*a*), may I know whether any of the roads are blocked up ?

Mr. K. Paramesvara Panickar: Government have no information to that effect.

Mr. G. Narayana Aiyar: May I know on what foundation Government give that answer ?

Mr. K. Paramesvara Panickar: On the information furnished by the officers under them.

Mr. G. Narayana Aiyar: Sir, I may be permitted to state that I have visited the locality and found that most of the roads are blocked up.

Mr. K. Paramesvara Panickar: Officers having jurisdiction in the matter have been asked to enquire into the matter. They did so and submitted a report.

Mr. G. Narayana Aiyar: May I know when they submitted the report?

Mr. K. Paramesvara Panickar: I claim notice.

Mr. G. Narayana Aiyar: With reference to answer to part (*b*) may I know whether any portion has been trespassed upon and cultivated by the public ?

Mr. K. Paramesvara Panickar: No.

Mr. G. Narayana Aiyar: What is the basis for that statement ?

Mr. K. Paramesvara Panickar: The same which I have already stated.

Prohibition of Government Officers from accepting Public Addresses.

158 ***Mr. M. N. Paramesvaran Pillai**: Will the Government be pleased to state :—

(*a*) whether there is any circular order prohibiting a Government officer from accepting public address or send-off;

(*b*) If so, whether any instance of violation of that circular order has been brought to their notice during the last three years ; and

(*c*) if the answer to part (*b*) is in the affirmative, what action have they taken against such officers who have received address or send-off ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai:

(*a*) Yes.

(*b*) No.

(*c*) In view of the answer to part (*b*), this does not arise.

Mr. M. N. Paramesvaran Pillai: May I know whether there is a Publicity Officer for Government?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: Yes.

Mr. M. N. Paramesvaran Pillai: May I know whether he has brought to the notice of Government any instance of Government officers receiving addresses and send-offs?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: If sanction is necessary for the purpose it must have been applied for and given.

Mr. M. N. Paramesvaran Pillai: May I know whether the Publicity Officer has brought to the notice of Government any such instance?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: No.

Toddy shops in Neyyattinkara taluk.

159. ***Mr. N. K. Padmanabha Pillai** (*Neyyattinkara cum Nedumangad*): Will the Government be pleased to state:

(*a*) the total number of toddy shops conducted in 1111 in Neyyattinkara taluk;

(*b*) the rental value realised from each of them in the years 1107, 1108, 1109 and 1111, and

(*c*) the number of cocoanut trees and palmyra trees sanctioned for every shop for tapping toddy?

Mr. C. O. Madhavan (*Excise Commissioner*): (*a*) 30.

(*b*) A *statement showing the required information is laid on the table.

(*c*) †A statement is laid on the table.

Mr. M. N. Paramesvaran Pillai: May I know what will be the average yield of toddy from a cocoanut tree and from a palmyrah tree?

Mr. C. O. Madhavan: I claim notice.

Mr. M. N. Paramesvaran Pillai; May I know whether in giving license for tapping, the Excise Commissioner has taken into consideration the consumption by a shop?

Mr. C. O. Madhavan: Yes. The Assistant Commissioner and the Inspector look into the matter.

Mr. M. N. Paramesvaran Pillai: May I know whether any proportion is maintained between the consumption of toddy of a shop and the number of trees tapped?

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* *Vide* Appendix I A. p. 666.
† *Vide* Appendix I B. p. 667.

Mr. C. O. Madhavan: Yes. It is according to consumption that trees are licensed.

Mr. M. N. Paramesvaran Pillai: May I know the principle that is followed elsewhere with regard to the disposal of shops?

Mr. C. O. Madhavan Shops are disposed of by auction.

T. A. claims of officers of the Department of Industries

160 ***Mr. N K. Padmanabha Pillai**: With reference to the trade Agent at Bombay for the Government of Travancore and the Department of Industries, will the Government be pleased to state:

(*a*) the amount of T. A. that was claimed by and disbursed to the Trade Agent in 1110 and the amount of T. A. claimed by him during each of the months in 1111 and 1112 up-to-date (7-4-1112); and

(*b*) the T. A. amount given to all the officers of the Industries Department, including the Director but excluding the Trade Agent, during 1111?

Mr. C. Kumara Das (*Director of Industries*):

	Rs.	ch.	c.
(*a*) T. A. drawn by the Trade Agent in 1110	1,358	3	0
T. A. drawn by him in 1111			
Chingam		Nil.	
Kanni		Nil.	
Thulam	568	27	6
Vrischikam		Nil.	
Dhanu	747	4	8
Makaram		Nil.	
Kumbham	601	26	5
Meenam		Nil.	
Medam		Nil.	
Edavam		Nil.	
Mithunam	288	3	9
Karkatakam		Nil.	
Total.	2,206	5	12

	Rs.	ch.	c.
T. A. drawn in 1112.			
Chingam		Nil.	
Kanni		Nil.	
Thulam	1,915	4	13

[Mr. P. Kumara Das.]

(*b*) T. A. drawn by the officers of the Industries Department in 1111.	Rs.	ch.	c.
Director of Industries	865	19	10
Textile Expert	651	20	1
Industrial Chemist	234	6	8
Industrial Engineer and Chief Boiler Inspector	490	14	7
Superintendent, School of Arts	20	25	12
Superintendent, S. M. T. School	30	0	12
Superintendent, Carpentry School	33	16	12
Ceramic Expert	345	23	3
Head Master, School of Commerce, Alleppey	32	10	14
Total	1,714	25	15

Statement, by caste, of the Heads of Departments.

161 ***Mr. Tariatu Kunjitomman** (*Nominated*): Will the Government be pleased to lay on the table a statement, by caste, of the present Heads of Departments?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: The *statement is laid on the table.

Mr. Tariatu Kunjitomman: ഡിപ്പാർട്ടുമെൻറു മേലദ്ധ്യക്ഷന്മാരായിട്ടുള്ളവരുടെ സമുദായം തിരിച്ചു കൊടുത്തിട്ടുള്ള പട്ടികയിൽ ആകെ ൩൬ പേരുണ്ടെന്നു പറഞ്ഞുകൊണ്ടു് സുറിയാനിക്രിസ്ത്യാനികൾ എന്നു മൊത്തത്തിൽ പറഞ്ഞിരിക്കുന്നു. അതിൽ കത്തോലിക്കാക്രിസ്ത്യാനികളെത്ര അകത്തോലിക്കാക്രിസ്ത്യാനികളെത്ര ലത്തീൻ കത്തോലിക്കാക്രിസ്ത്യാനികളെത്ര എന്നു തരംതിരിച്ചു കാണിക്കാതിരുന്നതെന്തുകൊണ്ടാണെന്നു പറയാമോ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: ലത്തീൻ കത്തോലിക്കാക്രിസ്ത്യാനികളാരെങ്കിലും ഉണ്ടായിരുന്നെങ്കിൽ അതു് പ്രത്യേകം പ്രസ്താവിച്ചിരിക്കുമായിരുന്നു.

Mr. Tariatu Kunjitomman: വെറും സിറിയൻ ക്രിസ്ത്യാനികൾ എന്നു പറഞ്ഞിരിക്കുന്നതു് ഏതു വിഭാഗത്തിൽപ്പെട്ട ക്രിസ്ത്യാനികളെപ്പററിയാണു?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: ആ വിവരം പ്രത്യേകമായി അന്വേഷിച്ചു പറയേണ്ടതാണു. ഗവമെൻറിനു ലഭിച്ച വിവരത്തിൽ വിഭാഗം തിരിച്ചുള്ള പട്ടിക കിട്ടിയിട്ടില്ല.

**Vide* Appendix II—pages 668 and 669.

Mr. Tariatu Kunjitomman : സാധാരണ ഗവൺമെൻറു അംഗീകരിച്ചിട്ടുള്ളതും പബ്ലിക്കു സർവീസ് കമ്മീഷണരുടെ നിർദ്ദേശത്തിൽ അടങ്ങിയിട്ടുള്ളതുമായ വിഭാഗക്രമം എടുക്കാതെ "സിറിയൻക്രിസ്ത്യൻ" എന്നും "ക്രിസ്ത്യൻ" എന്നുംമാത്രം പറഞ്ഞിരിക്കുന്നതിൽനിന്നും മനസ്സിലാക്കേണ്ടതു ഗവൺമെൻറിൻെറ നയത്തിനു വ്യത്യാസം വന്നിട്ടുണ്ടെന്നാണോ?

Ra: Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : ഗവൺമെൻറിൻെറ നയത്തിനു യാതൊരു വ്യത്യാസവും വന്നിട്ടില്ല. മെംബറുടെ ചോദ്യം ഡിപ്പാർട്ടുമെൻറു അദ്ധ്യക്ഷന്മാക്കു അയച്ചുകൊടുത്തതിനു കിട്ടിയ ഉത്തരമാണിതു്.

Mr. Tarjatu Kunjitomman : കിട്ടിയ ഉത്തരത്തിൽ റൂളിനു വിപരീതമായി പട്ടിക ചേർത്തിരിക്കുന്നു എന്നു കണ്ടയുടനെ തിരിയെ അയച്ച് ശരിയായ സമാധാനം വരുത്താതിരുന്നതെന്തു്?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: അങ്ങനെ തിരിച്ചയച്ചുകൊടുത്താൽ ഈ കൌൺസിലിൽ ഉത്തരം നൽകാൻ സാധിക്കാതെ വരും.

Mr. Tariatu Kunjito.i.man : ഇനിയെങ്കിലും ശരിയായ വിധത്തിൽ ഉത്തരം അയച്ചുതരുവാൻ ശട്ടം കെട്ടുമോ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : ചട്ടം കെട്ടാം.

Mr. Tariatu Kunjitomman : ഡിപ്പാർട്ടുമെൻറദ്ധ്യക്ഷന്മാരായി മുപ്പത്തിയഞ്ചു ഉദ്യോഗസ്ഥന്മാരുള്ളതിൽ സുറിയാനി കത്തോലിക്കരോ ലത്തീൻ കത്തോലിക്കരോ ആയി ആരും ഇല്ലെന്നാണോ മെംബർ പറയുന്നതു്?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : അന്വേഷിച്ചതിനു മേലേ അതിനുത്തരം പറയുവാൻ സാധിക്കുകയുള്ളു.

Mr. Tariatu Kunjitomman : ഗവൺമെൻറിൻെറ സകലപ്രവൃത്തികൾക്കും ഉത്തരവാദിത്വം വഹിക്കുന്ന ചീഫ്സെക്രട്ടറിക്കു ഡിപ്പാർട്ടുമെൻറദ്ധ്യക്ഷന്മാരെപ്പററി അറിയണമെങ്കിൽ അന്വേഷിക്കണമെന്നാണോ പറയുന്നതു്?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : അവർ ഏതു വിഭാഗത്തിൻെറ ഏതു പിരിവിൽ പെട്ടിരിക്കുന്നു എന്നു പറയാൻ അന്വേഷിക്കാതെ തരമില്ല.

Mr. Tariatu Kunjitomman : ഇവിടെ വളരെക്കാലത്തെ സർവ്വീസുള്ള കൃഷിഡിപ്പാർട്ടുമെൻറുപോലുള്ള പല ഡിപ്പാർട്ടുമെൻറുകളിലും ജോലിചെയ്തു പരിചയമുള്ള ഒരു ചീഫ്സെക്രട്ടറിക്ക് ഇവിടത്തെഡിപ്പാർട്ടുമെൻറു മേലദ്ധ്യക്ഷന്മാർ ഏതു ജാതിയിൽ ഉൾപ്പെട്ടവരാണെന്ന് അന്വേഷണം നടത്താതെ പറയാൻ സാധിക്കുകയില്ല എന്നു പറഞ്ഞതു് എന്തെങ്കിലും ഒഴിവു കഴിവു എന്ന നിലയിൽ പറഞ്ഞ ഉത്തരമല്ലേ?

Rao Bahadur Rajyasevanirata Dr. N. KunjanPillai: അല്ല. അതേപ്പററി അന്വേഷണം നടത്തിയതിനുമേലെ പറയുവാൻ നിവൃത്തിയുള്ളൂ. ഊഹിച്ചു പറഞ്ഞാൽ തെററുവന്നേക്കാം.

Statement by caste, of Magistrates.

16.* **Mr. Tariatu Kunjitomman**. Will the Government be pleased to lay on the table a statement, by caste, of first, second and third class Magistrates who are now in the service?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: A † statement furnishing the information is laid on the table.

Mr. Tariatu Kunjitomman : ആകെ നാല്പത്തിനാലു മജിസ്ട്രേട്ടന്മാരുണ്ടായിരുന്നിട്ടും അതിൽ ഒരൊററ കത്തോലിക്കരെ പോലും നിയമിക്കാത്തതു് ആ സമുദായത്തിൽ യോഗ്യന്മാർ ഇല്ലാഞ്ഞിട്ടാണോ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: യോഗ്യന്മാർ കണ്ടേക്കാം.

Mr. Tariatu Kunjitomman : പിന്നെ എന്തുകൊണ്ടാണ് തുടർന്നുള്ള നിവേദനങ്ങളും മററും ഉണ്ടായിരുന്നിട്ടും ഒന്നും രണ്ടും മൂന്നും ക്ലാസ മജിസ്ട്രേട്ടന്മാരായി നാല്പത്തിനാലുദ്യോഗമുള്ളതിൽ ഒന്നിങ്കിലും ഒരുസിറിയൻ കത്തോലിക്കരെ നിയമിക്കാതിരുന്നതു്?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: സാധാരണയായി കീഴ്ജീവനക്കാർക്ക് പ്രമോഷൻ കൊടുത്തു മജിസ്ട്രേട്ടന്മാരായി നിയമിക്കുകയാണ് ചെയ്യുന്നതു്. ആ നിലയിൽ പ്രമോഷൻ അർഹിക്കത്തക്ക സിറിയൻ കത്തോലിക്കർ ആരും ഉണ്ടായിരുന്നില്ലായിരിക്കാം.

Mr. Tariatu Kunjitomman : ഏകദേശം എട്ടു ലക്ഷത്തോളം ജനസംഖ്യയുള്ള ഒരു ജന സമുദായത്തിന്റെ അടിക്കടിയുള്ള നിവേദനങ്ങളും സങ്കടങ്ങളുമെല്ലാം ഇവിടെ അറിയിച്ചിട്ടും ആരെയും നിയമി

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*Vide Appendix II—page 670.

ക്കാനിടയാകാത്തതിനാൽ ഇപ്പോഴത്തെ പദ്ധതികൾ ഒന്നു മാററിയിട്ടെങ്കിലും ഒരു മജിസ്രേട്ടിനെ ഈ സമുദായത്തിൽനിന്നും നിയമിക്കുവാനുള്ള ഏർപ്പാടുകൾ ഗവണ്മെൻറു ചെയ്യുമോ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: ഇപ്പോഴുള്ള പദ്ധതികളുടെ ദോഷങ്ങൾ കണ്ടിട്ടാണ് ഗവണ്മെൻറു ഒരു പബ്ലിക്ക് സർവീസ കമ്മീഷണരെ നിയമിച്ചതു. പബ്ലിക്ക് സർവീസ കമ്മീഷണരുടെ നിർദ്ദേശങ്ങളനുസരിച്ചു ഗവണ്മെൻറു നിയമനങ്ങൾ നടത്തുന്നതാണ്.

Mr. Tariatu Kunjitomman: പബ്ളിക്ക് സർവീസ് കമ്മീഷണർ ഇപ്പോൾ ഇവിടെയുണ്ടോ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: അദ്ദേഹം ഇവിടെയില്ലെങ്കിൽ പകരം ഒരാൾ ഇവിടെയുണ്ട്.

Mr. Tariatu Kunjitomman: ഒരു ഹൈക്കോടതി ജഡ്ജിയായിരുന്ന ഒരാളിൻെറ മകനാണെങ്കിലും ജുഡിഷ്യൽ ഡിപ്പാർട്ടുമെൻറിലെ ഒരു മൂന്നാം ഗ്രേഡ് ഉദ്യോഗസ്ഥനെയാണ് പബ്ളിക്ക് സർവീസ് കമ്മീഷണർക്കു പകരമായി നിയമിച്ചിരിക്കുന്നത്. ഒരു ഹൈക്കോടതി ജഡ്ജിയുടെ സ്റ്റാററസിലുള്ള ഒരു ഉദ്യോഗസ്ഥൻ നടത്തിക്കൊണ്ടിരുന്ന ജോലി ഒരു മൂന്നാം ഗ്രേഡ് ഉദ്യോഗസ്ഥൻ നടത്തിയാൽ ശരിയാകുമെന്നാണോ മെംബർ പറയുന്നത്?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: ആഫീസ് ജോലികൾ ചെയ്യാനാണു പകരം ഒരാളുണ്ടെന്നു ഞാൻ പറഞ്ഞത്.

President: I think the Public Service Commissioner is still in existence.

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: Yes, Sir; but he has been granted privilege leave.

Mr. M. N. Paramesvaran Pillai: May I know whether the powers of the Public Service Commissioner are conferred upon the acting incumbent?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: No. Sir; he has been asked attend to the routine work. He has no power to make any appointment.

Mr. E. P. Varghese: It is stated that there is one Latin Christian Magistrate. May I know who that person is?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai; I claim notice.

Mr. Komilezhathu Sankaran : (*Nominated*) : It is stated that there are two Ezhava Magistrates. But there is only one.

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : I claim notice.

Employees in the Public Health Department.

163. ***Mr. Tariatu Kunjitomman** : Will the Government be pleased to lay on the table a statement, by caste, of the present employees in the Public Health Department drawing a pay of Rs 25 and above ?

Mr. K. Paramesvara Panickar (*Ag. Secretary to Government*) : The *statement required by the member is laid on the table.

Mr. Tariatu Kunjitomman : ഹെൽത്തു വകുപ്പിൽ ൯൭ ഉദ്യോഗസ്ഥന്മാരുണ്ടായിരുന്നിട്ടും ഒരൊററ സിറിയൻ കത്തോലിക്കനെയെങ്കിലും നിയമിക്കാതിരുന്നതു് അതിൽ യോഗ്യതയുള്ളവർ ഇല്ലാതിരുന്നതുകൊണ്ടാണോ?

Mr. K. Paramesvara Panickar : ആയിരിക്കും.

Mr. Tariatu Kunjitomman : തീർച്ച പറയാമോ?

Mr. K. Paramesvara Panickar : നിവൃത്തിയില്ല.

Mr. Tariatu Kunjitomman : അതേപ്പററി അന്വേഷിക്കാമോ?

Mr. K. Paramesvara Panickar : അന്വേഷിക്കാം.

Mr. Tariatu Kunjitomman : അങ്ങിനെ അന്വേഷിക്കുമ്പോൾ ആ സമുദായത്തിൽനിന്നു് ആരെങ്കിലും അപേക്ഷ അയച്ചിട്ടുണ്ടെന്നുകണ്ടാൽ ആ അപേക്ഷയെപ്പററി ഗൌനിക്കുമോ?

Mr. K. Paramesvara Panickar : അന്വേഷണം നടത്തിക്കഴിഞ്ഞു് വിവരം അറിഞ്ഞതിനുമേൽ ചോദിക്കേണ്ട ഒരു ചോദ്യമാണിതു്.

Kodayar Irrigation Project Account.

164. ***Mr. V. S. Arumukham Pillai** (*Tovala* cum *Agastisvaram*) : Will the Government be pleased to state :

(*a*) how the capital account of the Kodayar Irrigation Project is made up ;

(*b*) whether all sums obtained by the sale of tank beds in the Kodayar Project area have been credited to the capital account ;

(*c*) whether the average amount which the Government were annually losing by way of remissions in the pre-project days is now credited towards the revenue of the project.

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* *Vide* Appendix IV.

(*d*) whether the average annual expenditure of Government for tank maintenance in the project area in the pre-project days is now credited to the project account ;

(*e*) what is the gross average expenditure per acre in the project area per year ; and

(*f*) the amounts remitted for failure of crops in the project area ever since the inauguration of the project ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: (*a*) The cost of construction of the Project plus the cost of additional works done from year to year minus the receipts from the sale of tank beds.

(*b*) Yes, the amount realised from the sale of tank beds is deducted from the capital outlay on the project.

(*c*) Yes, in the pro-forma accounts.

(*d*) Yes.

(*e*) Re. 0-18-10 per acre per year for six years from 1106 to 1111.

(*f*) Rs. 1,11,167-25-3.

Mr. V. S. Arumukham Pillai: With reference to part (*a*) may I know whether the amount spent in the investigation and partial construction of the Right Bank Channel has been credited to the Project's account.

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: All expenditure on account of this project has been credited to the Capital Account.

Mr. V. S. Arumukham Pillai: A huge amount has been spent in the partial construction of the Right Bank Channel which has been abandoned. May I know whether that amount has been credited to the Project's account ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: That has been included in the Capital Account.

Mr. V. S. Arumukham Pillai: With reference to the answer to part (*b*) may I know whether Government realised a large amount by sale of puduval and poramboke lands after the inauguration of the Project ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: Government must have realised some amount, but I do not know if it is a large amount.

Mr. V. S. Arumukham Pillai: May I know under which item that amount is credited ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: It has been deducted from the Capital Account ?

Grant memos of aided schools

165. ***Mr. V. S. Arumukham Pillai** : (*a*) Will the Government be pleased to lay on the table the number of grant memos of aided schools that have yet to be renewed for the school year by 1st January 1937 in the Trivandrum Division?

(*b*) Are the Government aware of the fact that aid in favour of Madathattyvila Roman Catholic Primary School was withheld: and

(*c*) if so, what are the reasons?

Mr. C. V. Chandrasekharan (*Director of Public Instruction*): (*a*) 58.

(*b*) Yes.

(*c*) Non-fulfilment of a condition imposed in the grant memo.

Primary School Teachers.

166. ***Mr. V. S. Arumukham Pillai**: (*a*) Will the Government be pleased to lay on the table the number of Primary School teachers appointed as acting Headmasters of Vernacular Primary Schools, by the Division Inspector of Schools, Trivandrum, since his appointment;

(*b*) Will the Government be pleased to state:

(1) how many of the Primary School teachers appointed by the Division Inspector of Schools, Trivandrum, as acting Headmasters are trained hands;

(2) whether there is a circular to the effect that only teachers who passed the Tamil probationary test should be retained in the Tamil Schools;

(3) whether the circular has been adhered to;

(4) whether teachers who have not passed the Tamil probationary test are still retained in the Tamil schools; and

(5) If so, will the Government be pleased to lay on the table a list of such teachers?

Mr. C. V. Chandrasekharan: (*a*) 12.

(*b*) (1) 8.

(2) There is a Government order to the effect that Tamil Schools should be staffed entirely with Tamil certificate holders and that this should be accomplished as soon as practicable, as qualified hands become available.

(3) The G. O. is being adhered to as far as practicable.

(4) Yes.

(5) The *list is placed on the table.

Mr. V. S. Arumukham Pillai: With reference to answer to part (*b*) (5) may I know whether there are not sufficient number of Tamil hands available for teachers?

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* Vide Appendix V, page 672.

Mr. C. V. Chandrasekharan : There may be a sufficiens number available but the problem is how to get rid of the teachert who are already there.

Manufacture of cement in Travancore.

167. ***Mr. M. N. Narayana Menon** (*Kottayam*): Will the Government be pleased to state :

(*a*) whether they have conducted any experiments towards the manufacture of cement in Travancore ;

(*b*) if so, the result of such experiments ; and

(*c*) whether they have made any investigations on the possibility of manufacturing cement by using the lime-shells available in the Vembanad lake ?

Mr. C. Kumara Das : (*a*) No.

(*b*) This does not arise.

(*c*) No.

Mr. M. N. Narayana Menon : വേമ്പനാട്ട കായലിലുള്ള കക്ക സിമെൻറിന കൊള്ളാമെന്നറിയാമോ ?

Mr. C. Kumara Das : അറിയാം.

Mr. G. Narayana Aiyar : May I know whether there are not sufficient materials in Travancore for manufacturing cement ?

Mr. C. Kumara Das : All the materials are not at present available.

Mr. G. Narayana Aiyar : May I know what are the may terials that are not available?

Mr. C. Kumara Das : Lime stone, in particular.

Opening of a road from Vaikam to Kumarakam.

168. * **Mr. M. N. Narayana Menon** : Will the Government be pleased to state :

(*a*) how many years it is since the people have been demanding the opening of a road from Vaikam to Kumarakam, *via.* Vechur ; and

(*b*) the action taken by the Government thereon ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai:

(*a*) About 14 years.

(*b*) It was decided that the work must wait till the completion of the Kottayam-Kumarakam road. As that road is now nearing completion, the matter is being considered.

Bridge across the Kudamaloor river.

169. * **Mr. M. N. Narayana Menon** : Will the Government be pleased to state :

(*a*) whether the people have petitioned for the construction of a bridge across the Kudamaloor river ; and

(*b*) whether any action has been taken thereon ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai:

(*a*) Yes.

(*b*) The subject was considered by Government and orders issued to put off the work till financial conditions improved.

Police out-post at Thanneermukkam.

170. * **Mr. M. N. Narayana Menon**: Will the Government be pleased to state:

(*a*) whether the necessity for opening a Police out-post at Thanneermukkam in the Shertallai taluk has been brought to the notice of the Government by the people; and

(*b*) whether they are aware that more than 75 boats touch the Thanneermukkam jetty daily?

Mr. R. Pitchu Aiyangar (*Commissioner of Police*):

(*a*) No.

(*b*) No. Only 38 boats touch the Thanneermukkam jetty daily.

Mr. M. N. Narayana Menon: ചോദ്യം ബി-ക്ക് ഉത്തരമായിട്ടു ൩൮ ബോട്ടുകൾ ഉണ്ടെന്നു പറഞ്ഞിരിക്കുന്നു. എന്നാണ് ഈ ൩൮ ബോട്ടുകളുണ്ടായിരുന്നത്?

Mr. R. Pitchu Aiyangar: At present.

Mr. M. N. Narayana Menon: I challenge that answer.

Improvement of the road leading from Karapuzha to Illikkal.

171. * **Mr. M. N. Narayana Menon**: Will the Government be pleased to state:

(*a*) how many years it is since the people have been praying for the improvement of the road leading from Karapuzha *via.* Velur to Illikkal; and

(*b*) whether any action has been taken on the matter?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai:

(*a*) About 2 years.

(*b*) Yes; the matter was considered. Owing to the very heavy cost of the scheme Government ordered that the question might lie over.

Agricultural Board.

172. * **Mr. M. N. Narayana Menon**: Will the Government be pleased to state:

(*a*) whether there is any special reason for not publishing the report on the Agricultural Board of last year; and

(*b*) whether any arrangements are being made for the meeting of such a Board during this year?

Mr. K. R. Narayana Aiyar (*Director of Agriculture*) :

(*a*) The proceedings of the Board have been printed and published.

(*b*) Yes. A meeting of the Board will be held during this year.

Mr. M. N. Paramesvaran Pillai: May I know whether the Agricultural Board has placed any recommendation for improvement?

Mr. K. R. Narayana Aiyar: Yes.

Mr. M. N. Paramesvaran Pillai: May I know what action Government have taken on them?

Mr. K. R. Narayana Aiyar: They are under the consideration of Government.

Mr. M. N. Paramesvaran Pillai: May I know when the Board submitted the recommendations?

Mr. K. R. Narayana Aiyar: In last Edavom.

Mr. M. N. Paramesvaran Pillai: May I know whether any provision will be made in the next year's Budget for giving effect to these recommendations?

Mr. K. R. Narayana Aiyar: It is a question of future action.

Road from Kumarakam to the Vembanad lake.

173. * **Mr. M. N. Narayana Menon**: Will the Government be pleased to state:

(*a*) whether they are aware that the people have been demanding during the last twelve years, the opening of a road from the village road on the southern side of the V. M. School at Kumarakam to the Vembanad lake, along the front side of the Nava Nazreth Church;

(*b*) whether they are aware that the said road is not more than six furlongs in length; and

(*c*) whether any action has been taken on this matter?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: (*a*) No, except an interpellation by the member in April 1936.

(*b*) Yes.

(*c*) The line has been inspected by the Division Officer, Kottayam, with the member.

Tondankulangara-Aryad Munro Light road.

174. * **Mr. K. Padmanabha Panickar** (*Ambalapuzha*): Will the Government be pleased to state:

(*a*) whether a mass petition praying for the early construction of the Thondankulangara-Aryad Munro Light road in the

[Mr. K. Padmanabha Panickar.]

Ambalapuzha taluk was submitted by the merchants of Punnamada and the citizens of Aryad South pakuthi, to Government within the last three months ;

(*b*) if so, with what result ;

(*c*) whether they propose to provide funds for the work of the said road this year ; and

(*d*) when they expect the work to be taken in hand ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: (*a*) Yes.

(*b*) and (*c*). Government have considered the petition and issued orders for making provision for the purpose in the budget for 1113.

(*d*) After provision is made.

Alleppey-Changanacherry Canal.

175. * **Mr. K. Padmanabha Panickar:** Will the Government be pleased to state:

(*a*) whether petitions praying for the early completion of the Alleppey-Changanacherry canal were presented to Government within the last three months ;

(*b*) if so, with what result ;

(*c*) whether they propose to provide funds for the work of the said canal this year ; and

(*d*) when they expect the work to be taken in hand ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: (*a*) None.

(*b*) In view of the answer to part (*a*), this does not arise.

(*c*) No.

(*d*) After the proposal for opening a canal and road combined is decided.

Reports of Marketing Officers.

176. * **Mr. Syed M. Bava** (*Nominated*): Will the Government be pleased to state:

(*a*) whether they have taken any action on the reports submitted by the Marketing Officers, and, if so, what ; and

(*b*) whether any reports have been received on the marketing of cocoanuts, pepper and tapioca ?

Mr. K. R. Narayana Aiyar: (*a*) The reports submitted by the Marketing Officers have been forwarded to the Agricultural Marketing Adviser to the Government of India and the reports are also being scrutinised by this Government.

(*b*) No.

Mr. S. Piraviperumal Pillai (*Commerce and Industry, South*): With reference to part (*a*), Government have stated that the reports of the Marketing Officers are being scrutinised by the Government. May I know what action Government have taken besides scrutinising?

Mr. K. R. Narayana Aiyar: This Government can arrive at a decision only after the Government of India have forwarded their remarks on the reports.

Fencing of the banks of the Trivandrum-Shornur Public Canal.

177. * **Mr. Syed M. Bava**: Will the Government be pleased to state:

(*a*) whether an estimate was called for for fencing that portion of the banks of the Trivandrum-Shornur Public Canal between the bridges at Kochupilammood and Big Bazaar, Quilon;

(*b*) the reason why an estimate was called for, if the answer to part (*a*) is in the affirmative;

(*c*) whether an estimate was submitted;

(*d*) if the answer to part (*c*) is in the affirmative, the date when the estimate was submitted;

(*e*) whether any action was taken further; and

(*f*) if not, why?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: (*a*) No.

(*b*), (*c*), (*d*), (*e*) and (*f*) These do not arise in view of the answer to part (*a*).

M. Sayed M. Bava ഈ തോട്ടിന്റെ കരകൾ അതായത് കൊല്ലം ബസാർ മുതൽ കൊച്ചുപിലാംമൂട്ടുവരെയുള്ള സ്ഥലങ്ങൾ ആപൽക്കരമായ നിലയിലിരിക്കുകയാണെന്നു ഗവണ്മെന്റിനറിയാമോ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai അത്രവളരെ ആപൽക്കരം എന്നുപറയാൻ നിവൃത്തിയില്ല. പക്ഷെ അവിടെ ഒരു ഫെൻസോ ചുവരോ കെട്ടുന്നതു നന്നായിരിക്കും.

Mr. Sayed M Bava: അതിനു ആലോചനയുണ്ടോ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: അതിനുമാത്രമല്ല, ആ റോഡു മുഴുവനും നന്നാക്കുന്നതിനു ആലോചനയുണ്ട്. അതിലേക്കു ഒരു എസ്റ്റിമേറ്റ് ആവശ്യപ്പെട്ടിട്ടുമുണ്ട്. ഒരു ലക്ഷം രൂപാക്കുമേൽ ചെലവു വരുമെന്നാണ് കണക്കാക്കപ്പെട്ടിരിക്കുന്നതു. അതുകൊണ്ടു തൽക്കാലം ആ ആലോചന നടപ്പിൽവരുത്താൻ സാധിച്ചില്ല.

Mr. Sayed M. Bava: എസ്റ്റിമേററ് എടുത്തിട്ടില്ലെന്നാണല്ലോ ഉത്തരംകൊണ്ടു് കാണുന്നതു്.

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: ഫെൻസിംഗിനുള്ള എസ്റ്റിമേററു വരുത്തിയിട്ടില്ലെന്നാണു ഉത്തരത്തിലുള്ളതു്. റോഡു മുഴുവൻ നന്നാക്കുന്നതിനുള്ള എസ്റ്റിമേററു വരുത്തിയിട്ടുണ്ടു്.

Objection raised by the Account Office re the remuneration of the piece-workers in the Government Press.

178. ***Mr. E. P. Varghese:** Will the Government be pleased to state:

(*a*) whether the Account Office has objected to the payment of portions of the bill for the remuneration of the piece-workers of the Government Press from Karkatakam 1110 to Dhanu 1112;

(*b*) what is the total amount so objected in Karkatakam 1110 and in each of the months up to Dhanu 1112;

(*c*) what are the objections raised by the Account Officer; and

(*d*) whether any portion of the amounts which were held up have been paid to the piece-workers, and if so what amount has been paid?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai:

(*a*) Yes.

	Rs.	chs.	c.
(*b*) 12-110	291	22	10
1-111	172	25	6
2-111	52	21	10
3-111		Nil	
4-111	84	3	7
5-111	79	2	12
6-111	37	13	7
7-111	24	14	15
8-111	11	13	1
9-111	2	13	15
10-111	3	24	15
11-111	25	16	8
12-111	27	3	8
1-112	46	13	14
2-112	10	1	3
3-112	48	1	7
4-112	4	21	5
5-112	3	15	7

(c) The objections relate to the charges claimed under author's corrections, standing alterations, imposing of continuous and discontinuous matter of Gazette forms, colour printing, make-ready of forms of long runs, etc.

(d) A sum of Rs. 517-13-10 has since been admitted in audit and the same will be disbursed immediately.

Road from Illikkal to Tiruvarppu temple.

179. *** Mr. M. N. Narayana Menon :** Will the Government be pleased to state :

(a) whether there is at present a cartable road from Illikkal to the Thiruvarppu temple.

(b) if not up to what place there is one ; and

(c) the probable expenditure for constructing a road up to the temple ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: (a) No.

(b) Up to Kochupalam.

(c) About Rs. 8,200.

Members of the Legislature who have served in Select Committees.

180. *** Mr. M. P. Madhavan Pillai** (*Tiruvalla cum Pattanamtitta*): Will the Government be pleased to state :

(a) the total number of Select Committees constituted from the Assembly from Karkatakam 1108 till date (15-7-1112) ;

(b) the names of members of the Sri Mulam Assembly who have never been members in any of the Select Committees till the 12th of Kumbhom 1112 ;

(c) the names of members of the Sri Chitra State Council, who have never been members in any of the Select Committees till the 12th of Kumbham 1112 ; and

(d) the number of members in the Sri Mulam Assembly who have served in Select Committees, and the number of Select Committees served by each of them till the 12th of Kumbham 1112 from the beginning of the Sri Mulam Assembly ?

Mr. Kayalam Paramesvaran Pillai (*Additional Head Sirkar Vakil*) : (a), (b), (c) and (d). The information can be gathered from the proceedings of both the Houses of the Legislature supplied to the member.

Mr. S. Piraviperumal Pillai: May I know from the member whether he is aware that the proceedings of the last two sessions of the Legislature have not yet been supplied to the members?

Mr. Kayalam Paramesvaran Pillai: I am not aware.

Mr. S. Piraviperumal Pillai. Then may I know how we can gather the information?

Mr. Kayalam Paramesvaran Pillai: It is obviously impossible to gather information from proceedings which have not yet been supplied. They will be supplied soon.

Shifting of Perumpavur eastern toll.

181. ***Mr. H. O. L. Marikar**: (*Minachil cum Devicolam*): Will the Government be pleased to state:

(*a*) whether the Perumpavur eastern toll was shifted five furlongs further east on 1st Chingom 1112;

(*b*) if so, why;

(*c*) whether it was again shifted during the middle of the year two miles further east; and

(*d*) if so, whether the contractor agreed to pay any additional amount to Government, and, if so, what amount?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai

(*a*) Yes.

(*b*) With a view to remove the inconvenience caused to the school-going population of Perumpavur and stop the lorry traffic which escaped toll.

(*c*) Yes.

(*d*) No.

Mr. H. O. L. Marikar: Is there any road coming and joining the main road between these five furlongs.

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: No.

Mr. H. O. L. Marikar: In that case how is it possible to have more revenue from lorries?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: The lorries used to stop a little beyond the toll gate formerly. The P. W. D. thought that by shifting the toll gate five furlongs further east that practice would be stopped. But when it was shifted five furlongs east the lorries stopped on the other side of the toll and evaded payment.

Mr. H. O. L. Marikar: I take exception to the words 'evade payment'. Have not the lorries the right to stand on the other side of the toll gate ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: They stop on the other side in order to evade payment.

Mr. H. O. L. Marikar: But Government are going on shifting further and further.

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: I think the present shifting has succeeded. The lorries do pay tolls now.

Mr. H. O. L. Marikar: I may assure the member that they are not paying.

President: There are several ways of evading payment.

Mr. H. O L. Marikar: May I know whether the member is aware that near by there is a prosperous village namely Kurupumpadi wherefrom children go to schools ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: Yes.

Mr. H. O. L. Marikar: Will not those children be put to inconvenience ?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: There are only a few students in that village. In the other case more children would be put to inconvenience.

Mr. H. O. L. Marikar: May I know wheter a petition was received from the contractor stating that the toll gate was shifted in order to put him to inconvenience for the sake of another contractor.

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: I claim notice.

UNSTARRED QUESTIONS AND ANSWERS.

Mr. M. N. Paramesvaran Pillai: Sir, question No. 5 (148) in the list of Unstarred Questions is marked with a star. May I know whether I can ask supplementary questions on that ?

President: That is a printer's devil. Do you say that you sent it as a starred question?

Mr. M. N. Paramesvaran Pillai: I do not distinctly remember. I want to know whether I can take advantage of the mistake.

President: No.

Deparmental Examination for the employee's of the Excise Department.

5. **Mr. M. N. Paramesvaran Pillai**: Will the Government be pleased to state:

(*a*) whether any Deparmental Examination has been prescribed for the employees in the Excise Department;

(*b*) whether there is any rule that all officers of the Department, below the rank of second grade Assistant Excise Commissioners, both permanent and acting, should pass the examination within two years from the date of starting the examination before promotion for confirmation;

(*c*) whether this rule has been strictly followed since the date of starting the examination;

(*d*) whether any appointment, promotion or confirmation has been made during the last 6 years in violation of the rule, and, if so, what are the special reasons for doing so:

(*e*) who were the examiners for the last three years;

(*f*) whether they have passed the said examination; and

(*g*) whether they are also officers who are bound to pass the examination under the rules?

Mr. C. O. Madhavan: (*a*) A Departmental Examination known as the 'Excise Test' has been prescribed for the employees in the department above the rank of Petty Officers. Another Examination has also been prescribed for petty Officers and peons.

(*b*) Yes.

(*c*) The rule has not been strictly followed.

(*d*) The rule regarding the Departmental Examination has been relaxed in case of certain promotions and confirmations, in consideration of long service, general educational qualifications and efficiency.

(*e*), (*f*) and (*g*) A *A statement furnishing the required information is laid on the table.

List by caste, of appointments made in the Excise Dedartment.

6. **Mr. K. P. Nilakanta Pillai**: (*Chirayinkil cum Nedumangad*): Will the Government be pleased to place on the table a caste-war list of the fresh appointments of all grades made in the Excise Department from 5-7-1107, together with the qualifications of the persons so appointed?

Mr. C. O. Madhavan; A † statement is laid on the table

**Vide* Appendix VI—page 673.
†*Vide* Appendix VII—pages 674 to 676.

Number of hours, etc., of each work of the piece-workers in the Government Press

7. **Mr. E. P. Varghese**: Will the Government be pleased to state whether there is any rule requiring the pieceworkers of the Government Press to be allowed to note on the proof files the number of hours etc., of each work and that their signatures should be obtained in the account books at the end of the month?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pialli: In regard to line account vouchers and standing altered vouchers the proofs are signed by the compositors also while the author's correction vouchers are valued on the merits of the work by the Assistant Superintendent or Chief Foreman alone as per Government orders. The signature of the Compositors are obtained in the acquittance rolls when payments are made to them.

Private markets in Krishnapuram pakuthi.

8. **Mr. Kochikal P. Balakrishnan Tampi** (*Mavelikara and Kartikapalli* cum *Kunnattur*): Will the Government be pleased to state :

(*a*) how many licensed private markets there are in Krishnapuram pakuthi, Karunagapalli taluk ;

(*b*) whether there is an unlicensed private market at Mukkata in a compound (S. No. 10299) of Krishnapuram pakuthi, adjacent to the Krishnapuram toll gate ; and

(*c*) if the answer to part (*b*) is in the affirmative, what steps have been taken to stop the unlicensed private market?

Mr. K. Paramesvara Panickar (*Ag. Secretary to Government*): (*a*) 5.

(*b*) No.

(*c*) In view of the answer to part (*b*) this question does not arise.

Appendix I A.

***Vide* Answer to Question No. 159**

(*b*) Rental value realised from the toddy shops in Neyyattinkara taluk.

Shop No.	Rental value,											
	1107			1108			1109			1111		
	Rs.	ch	c,	Rs.	ch	c.	Rs.	ch	c.	Rs.	h.	c.
1	1,050	...	...	1,620	...	...	1,620	...	...	1,110	...	...
2	300	...	...	755	...	...	755	...	...	450	...	...
3	635	...	...	670	...	...	670	...	...	1,050	...	...
4	725	...	...	785	...	...	785	...	...	905	...	...
5	500	...	...	540	...	...	540	...	...	450	...	...
6	500	...	...	310	...	...	310	...	...	260	...	...
7	455	...	...	290	...	...	290	...	...	250	...	...
8	450	...	...	450	...	...	450	...	...	430	...	...
9	520	...	...	580	...	...	580	...	...	505	...	...
10	750	...	...	600	...	...	600	...	...	580	...	...
11	450	...	...	475	...		475	...	...	420	...	...
12	550	...	...	590	...	...	590	...	...	530	...	...
13	455	...	...	455	...	...	455	...	...	600	...	...
14	650	...	...	650	...	...	650	...	...	565	...	...
15	455	...	...	500	...	...	500	...	...	375	...	...
16	600	...	...	650	...	...	650	...	...	555	...	...
17	250	...	...	400	...	...	400	...	...	415	...	...
18	250	...	...	275	...	...	275	...	...	365	...	...
19	275	...	...	460	...	...	460	...	...	525	...	...
20	500	...	...	360	...	...	360	...	...	350	...	...
21	785	...	...	655	...	...	655	...	...	755	...	...
22	725	...	...	510	...	...	510	...	...	460	...	...
23	525	...	...	525	...	...	525	...	...	525	...	...
24	1,250	...	...	900	...	...	900	...	...	905	...	...
25	350	...	...	350	...	...	350	...	...	350	...	...
26	360	...	...	360	...	...	360	...	...	355	...	...
27	775	...	...	700	...	...	700	...	...	650	...	...
28	405	...	...	375	...	...	375	...	...	385	...	...
29	350	...	...	165	...	...	165	...	...	255	...	...
30	335	...	...	300	...	...	300	...	...	260	...	...

Appendix I B.

***Vide* Answer to Question No. 159.**

(c) Number of cocoanut and palmyra trees sanctioned for each shop for tapping toddy.

Shop No.	Number of trees tapped.							
	1107		1108		1109		1111	
	C.	P.	C.	P.	C.	P.	C.	P.
1	14	65	14	65	15	63	10	73
2	..	44	8	38	8	38	...	50
3	8	42	...	58	13	40	...	80
4	15	68	15	68	15	55	...	75
5	30	...	38	...	38	...	30	...
6	30	...	30	5	30	5	30	...
7	20	10	30	...	30	...	30	..
8	32	...	31	5	32	5	30	...
9	5	31	5	28	5	30	2	35
10	5	32	5	30	5	35	3	40
11	5	25	5	25	5	28	2	33
12	5	25	5	25	5	30	3	35
13	36	...	35	...	20	...	35	5
14	43	...	55	...	60	...	48	...
15	30	...	45	...	25	...	35	5
16	59	...	63	...	63	...	60	...
17	40	...	40	...	30	...	38	...
18	32	...	45	...	39	...	30	...
19	41	...	46	...	47	...	30	...
20	30	...	31	...	30	...	30	...
21	35	...	57	...	57	...	15	...
22	40	...	30	...	20		...	...
23	46	...	32	..	30	...	30	...
24	55	...	60	...	62	...	60	...
25	30	...	35	...	40	...	40	...
26	40	...	42	...	42	...	40	...
27	54	...	62	...	63	...	35	...
28	36	...	40	...	36	...	35	...
29	...	...	30	...	35	...	30	...
30	30	...	30	...	30	...	30	...

Appendix II.

Vide Answer to Question No. 161

Statement, by caste, of the Heads of Departments.

No.	Designation	Name of officers.	Caste.
1	Chief Secretary to Government	Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai	Nayar.
2	Financial Secretary to do.	Rao Bahadur A. Rangaswami Iyer	Brahmin.
3	Account Officer	Mr. R. Nilakanta Pillai	Nayar.
4	Public Service Commissioner	Dr. G. D. Nokes	European.
5	Land Revenue and Income Tax Commissioner	Mr. K. George	Syrian Xian.
6	Excise Commissioner	Mr. C. O. Madhavan	Ezhava.
7	Conservator of Forests	Mr. R. Dhanukoti Pillai	Hindu Sudra
8	Director of Registration	Mr. N. K. Padmanabha Pillai	Nayar.
9	Chief Justice	Rao Bahadur A. Varghese	Syrian Xian.
10	Head Sirkar Vakil	Mr. U. Padmanabha Kukillaya	Brahmin.
11	Superintendent, Central Prison	Mr. M. Pothen	Syrian Xian
12	Commissioner of Police	Mr. R. Pitchu Aiyangar	Brahmin.
13	Principal Port officer	Lieut. Commander W. J. Swan, R. N. R. Retd.	European.
14	Director of Public Instruction	Mr. C. V. Chandrasekharan	Brahmin.
15	Director of Agriculture and Fisheries	Mr. K. R Narayana Aiyar	Do.
16	Director of Industries	Mr. C. Kumara Das	Christian.
17	Registrar of Co-operative Societies	Mr. M. Govinda Pillai	Nayar.
18	Darbar Physician	Mr. James Simpson	European.
19	Director of Public Health	Dr. M. K. Gopala Pillai	Nayar.
20	Devaswom Commissioner	Mr. C. N. Sreeranganatha Sastri	Brahmin.

APPENDIX II—(*contd*).

No.	Designation.	Name of Officers.	Caste.
21	Superientendent, Government Press	Mr. T. Nilakanta Pillai	Nayar.
22	Superintendent, Public Gardens and Zoo	Mr. G. Narayanan Tampi	Nayar.
23	Government Astronomer	Mr. H. Subrahmonia Aiyar	Brahmin.
24	Government Meteorologist	Mr. V. Sivarahmakrishna Aiyar	Brahmin.
25	Government Photographer	Mr. Henry P. D'Cruz	Anglo Indian.
26	Honorary Secretary, Public Library	Mr. P. G. Sahasranama Aiyar	Brahmin.
27	Superintendent, Archaeological Department	Mr. R. Vasudeva Puduval	Hindu.
28	Curator, Publication of Sanskrit and Malayalam Manuscripts	Mr. K. Sambasiva Sastri	Brahmin.
29	Chief Engineer	Mr. G. B. E. Truscott	European.
30	Water Works and Drainage Engineer to Government	Vastu Vidya Kusala C. Balakrishna Rao	Brahmin.
31	Electrical Engineer to Government	Mr. K. P. Padmanabha Menon	Nayar.
32	Maramath Engineer	Mr. V. Harihara Iyer	Brahmin.
33	Commandant	Lieut. Col. H. S. Stewart	European.
34	Anchal Superintendent	Mr. K. N. Govindan	Ezhava
35	Directress, State Guests Department	Miss D. H. Watts	Anglo Indian.

Appendix III.

Vide Answer to Question No. 162

Statement, by caste of first, second and third class Magistrates now in service.

	First Class Magistrates.	Second Class Magistrates.	Third Class Magistrates
1. HINDUS.			
Brahmins ...	5	5	...
Nairs ...	5	12	...
Other caste Hindus ...	2	1	...
Kammalas ...	...	...	...
Nadars ...	...	...	...
Ezhavas ...	...	2	...
Cheramars ...	...	...	...
Other Hindus ...	...	...	...
2. MUSLIMS. ...	...	1	...
3. CHRISTIANS.			
Jacobite ...	...	2	...
Marthomite ...	2	4	...
Syrian Catholic	...	...	...
Latin Catholic ...	...	1	...
South India United Church ...	1	1	...
Other Christian ...	...	...	...
Total ...	15	29	...

* They include 4 taluk Magistrates, 3 Munsiff-Magistrates, and the Commissioner, Poonjar.

† They include the Ulsavamadom Magistrate and 10 taluk Magistrates.

Appendix IV.

***Vide* Answer to Question No 163**

Statement, by caste, of the present employees of the Public Health Department drawing Rs. 25 and above.

Caste.		Number.
Brahmins ...		24
Nairs ...		36
Ezhavas ...		6
Kammalas ...		1
Other Hindus ...		5
Nadars ...		1
Christians :— ...		22
Jacobite ...	8	
Marthoma ...	6	
Other Christians ...	6	
South Indian United Church ...	2	
Mohammedan ...		1
Total ...		96

Appendix V.

Vide **Answer to Question No. 166**

Teachers who have not passed the Tamil probationary test but are still retained in the Tamil Schools.

No.	Name of teacher.	Name of the School in which employed.	
1	K. Padmanabha Aiyar ...	Krishnancoil V. M. School.	
2	S. Padmanabha Aiyar ...	Do.	
3	B. Chorimuthu Pillai ...	Anantapuram	Primary School
4	K. Ananthakrishna Aiyar ...	Arumanalloor	Do.
5	K. Thandaveswara Aiyar ...	Bhoothapandy	Do
6	R. Venkitasubramonia Aiyar ..	Tovala	Do.
7	R. Rama Aiyar ...	Madhavalayam	Do.
8	C. Sankarasubba Aiyar ...	Cape Comorin	Do.
9	N. Venkitachalam Aiyar ...	Do.	Do.
10	M. Ramasubba Aiyar ...	Theroor	Do.
11	T. Bhagavathiperumal Pillai ...	Do.	Do.
12	K. Muthiah Pillai ...	Rajakkamangalam	Do.
13	K. Sthanukrishna Aiyar ...	Kottar Mahomedan	Do.
14	S. Mahomed Moideen Lebba ...	Do.	Do.
15	K. Appukudam Aiyar ...	Melashencotta	Do.
16	S. Omayurbhagam Pillai ...	Poolankudiyiruppu	Do.
17	S. Krishna Aiyar ...	Elathoor	Do.
18	P. Ahemed Lebba Alim Sahib	Aloor Mahomedan	Do.
19	C. Ramakrishna Pillai ...	Eraniel V. M. School.	

Appendix VI.

Vide Answer to Unstarred Question No. 5.

Names of examiners who have or have not passed the Excise Tests.

Year.	Name of the examiners.	Whether they are bound to pass the examination under the rules.	Whether they have passed the examination.
1109	1. Mr. G. Nilakantan, B. A., Retired 2nd Grade Asst. Excise Commissioner	No.	
	2. Mr. A. Raman Pillai, B. A., 2nd Grade Asst. Excise Commissioner	No.	
	3. Mr R. Kunjunni Puduval, B. A., Retired 1st grade Asst. Excise Commissioner	No.	
	4. Mr. K. Govinda Pillai, B. A & B. L., 1st grade Asst. Excise Commissioner	No.	
1110	1. Mr. A. Raman Pillai, B. A., 2nd grade Asst. Excise Commissioner	No.	
	2. Mr. R. Sankara Pillai, B. A., 2nd Grade Asst. Excise Commissioner	No.	
	3. Mr. P. N. Sankara Aiyar, B. A. and B. L., 2nd grade Asst. Excise Commissioner	No.	
	4. Mr. K. Thanu Pillai, B. A, 3rd grade Asst. Excise Commissioner	Yes.	Passed all parts
1111	1. Mr. K. Govinda Pillai, B. A. and B. L. 1st grade Asst. Excise Commissioner	No.	
	2. Mr. V. Narayana Pillai, B. A., 3rd grade Asst Excise Commissioner	Yes.	Passed parts B and C only.
	3 Mr. K. Pitchu Aiyar, B. A., 3rd grade Asst. Excise Commissioner	Yes.	Not passed.
	4. Mr. K. Thanu Pillai, B. A., 3rd grade Asst. Excise Commissioner	Yes.	Passed all parts.

Mr. Joseph Panjikaran B. A. and B. L., Assistant Additional Head Sirkar Vakil was the examiner in Criminal Law (Part A of the Excise test) for the years 1109 and 1110 and Mr. K. K. Lukose B. A, B. L., Assistant Head Sirkar Vakil, was the examiner for the same subject for 1111.

Appendix VII.

Vide Answer to Unstarred Question No. 6.

Caste-war list of fresh appointments of all grades made in the Excise Department from 5-7-1107 to 10-4-1112 and the qualifications of the persons so appointed.

Caste.	Appointments.	Qualifications of the persons appointed.
1. *Hindus*		
(1) Brahmin	Ag Clerks—5	Graduates—3 S. S. L. C.—2
	Ag. Typists—2	Both S. S. L. C. and Typewriting Examination.
	Ag. Petty Officers—6	Graduates 2, Intermediate 1, S. S. L. C. 3.
	Ag. and Temporary Peons—10	
	Total—23	
(2) Nayars.	Ag. Clerks—14	Graduate 6, Intermediate 2, and S. S. L. C. 6
	Ag. Typists—3	S. S. L. C. and Type-writing Examination 2, Type-writing Examination alone—1
	Ag. Excise Inspector—1	Graduate
	Ag. Sub-Inspectors—2	Both Intermediate
	Ag. Store-keeper—1	S. S. L. C.
	Ag. Petty Officers—12	Graduates 2, Intermediate 5; S. S. L. C. 5.
	Ag. Mochee—4	
	Ag. and Temporary Peons—162	
	Total—199	
(3) Other caste Hindus.	Ag. Petty Officers—4	Graduates—2, S. S. L. C. 2
	Ag. and Temporary Peons—18	
	Total—22	
(4) Kammalas.	Ag. Clerk—1	Graduate
	Ag. Petty Officer—1	S. S. L. C.
	Ag. Peons—6	
	Total—8	
(5) Nadars	Ag. Petty Officer—1	S. S. L. C.
	Ag. and Temporary Peons—10	.
	Total—11	
(6) Ezhavas	Ag. Sub-Inspectors 2	Graduate 1, S. S. L. C. and Pleadership—1

Appendix VII—(*contd.*)

Caste.	Appointments.	Qualifications of the persons appointed.
6—(*contd.*)	Ag. Clerks 13	Graduates 4 Intermediate 3 S. S. L. C. 6
	Ag. Petty Officers 5	Graduates 3, Intermediate—2
	Ag. Mochee 2	
	Ag. and Temporary Peons 65	
	Total—87	
7. Pulayas.	Ag. Petty Officer 1	S. S. L. C.
	Ag. and Temporary Peons 9	
	Total--10	
8. Other Hindus.	Ag. Clerks 5	All Graduates.
	Ag. Petty Officers 3	Intermediate 2, S. S. L. C. 1.
	Ag. and Temporary Peons 42	
	Total—50	
II. *Muslims.*	Ag. Clerks 3	Graduates 1; S. S. L. C. 1 one has been exempted by Government.
	Ag. Sub-Inspector 1	Graduate.
	Temporary Petty Officer 1	S. S. L. C.
	Ag. Petty Officer 1	Cambridge Senior.
	Ag. and Temporary Peons 30	
	Total—36	
III *Christians* (1) Jacobite,	Ag. Clerk 1	S. S. L. C.
	Ag. Sub-Inspector 1	Graduate.
	Ag. Petty Officers 3	Graduate 1. Intermediate 1, S. S. L. C. 1.
	Ag. Mochee 1	
	Ag. and Temporary Peons 18	
	Total 24	
(2) Marthomite.	Ag. Clerk 1	S. S. L. C.
	Ag. Petty Officer 1	S. S. L. C.
	Ag. Peons 7	
	Total—9	
	Ag Sub-Inspectors 2	Both Graduates.
	Ag. Typist 1	Type-writing Examination.

Appendix VII—(*contd.*)

Caste.	Appointments.	Qualifications of the persons appointed.
2—(*contd.*)	Ag. and Temporary Peons 10 Total—13	
(3) Syrian Catholic.	Ag. Sub-Inspector 1	Graduate.
	Ag. Clerks 2	Graduate 1, S. S. L. C 1.
	Ag. Typist 1	S. S. L. C. and Type-writing Examination.
	Ag. Petty Officers 2	Graduate 1, S. S. L. C. 1.
	Ag. Peons 10 Total—16	
(4) Scuth India Uniited Church.	Ag. Clerks 3	All Graduates.
	Ag. Peons 6 Total—9	
(5) Other Christians.	Ag. Cleik 1	Graduate.
	Ag. Petty Officers 3	Graduate 1, Intermediate 1, S. S. L. C. 1.
	Ag. and Temporary Peons 35 Total 39	

THE TRAVANCORE COMPENSATION FOR IMPROVEMENTS BILL.—(*contd.*)

Mr. M. Govindan (*Nominated*): Sir, I beg to move the following amendment:

In clause 2, sub-clause (iii), between Explanation 1(d) and (e) insert—

(*a*) *The conversion of one-crop or two-crop land into two-crop or three-crop land and make the consequential amendment of changing* (*e*) *into* (*f*) *and* (*f*) *into* (*g*).

Sir, my desire in moving this amendment is to bring the ordinary work, which holders here are actually doing, within the definition of improvement for which value is awardable. In Travancore) we have lands near the backwaters which are so low that we can raise only one crop. They are called "*oruppu*". The lands can be converted into two crop lands if their level is raised as is usually done. It is surprising that in this case the provisions are not identical to the provisions in the Malabar Act—a reference to which is exciting a smile from some of my friends. I am referring to Malabar because the conditions in Travancore are similar to the conditions there. Section 4(*d*) of the Malabar Act is the provision corresponding to this. That Section refers to the conversion of one-crop land into two-crop lands. I have adopted that provision in my amendment. My originality is only in respect of three-crop lands. Considering the conditions in Travancore it is only natural that we should provide for this also in the enactment. I commend this amendment for the acceptance of the House.

Mr. J. John Kattakayam: ഈ ഭേദഗതിയെ ഞാൻ അനുകൂലിക്കുന്നു.

The amendment was put to vote and lost.

Mr. M. Govindan: I demand a poll.

A poll was taken with the following result:

AYES—7.

1 Mr. H. O. L. Marikar	5 Mr. Tariatu Kunjitomman
2 ,, C. M. Joseph	6 ,, Komilezhathu Sankaran
3 ,, J. John Kattakayam	7 ,, E. P. Varghese
4 ,, M. Govindan	

NOES—13.

1 Mr. M. N. Narayana Menon	8 Mr. Kochikal P. Balakrishnan Tampi
2 ,, K. P. Nilakanta Pillai	9 ,, K. Madhavan Pillai
3 ,, K. Padmanabha Panickar	10 ,, M. P. Madhavan Pillai
4 ,, N. K. Padmanabha Pillai	11 ,, Hajee Hassan Yacob Sait
5 ,, P. Padmanabhan Tampi	12 ,, A. N. Visvanatha Pillai
6 ,, M. N. Paramesvaran Pillai	13 ,, N. Ramakrishna Pillai
7 ,, G. Narayana Aiyar	

NEUTRALS.—14.

1 Mr. S. Piraviperumal Pillai	8 M. C. Kumara Das
2 ,, Eric Hall	9 ,, K. R. Narayana Aiyar
3 ,, Syed M. Bava	13 ,, Kayalam Paramesvaran Pillai
4 ,, K. Sankaralingam Pillai	11 ,, M. Govinda Pillai
5 Rao Bahadur Rajyaseva-nirata Dr. N. Kunjan Pillai	12 ,, R. Pitchu Aiyangar
6 ,, K. Paramesvara Panickar	13 ,, C. O. Madhavan
7 Rao Bahadur A. Rangaswamy Aiyar	14 ,, C. V. Chandrasekharan

The amendment was declared lost, 7 voting *for* 13 *against* and 14 remaining *neutral*.

Mr. M. Govindan: I move the following amendment.

In Clause 2. Explanation I (c), line 2, delete 'permanent.'

Mr. Kattakayam's amendment is also identical. So the two may be considered together.

Let us see the effect of deleting the word 'permanent' from the Explanation.

The Clause will read as follows.

"The erection of farm buildings, dwelling houses, cattle sheds or other structures or walls (including *kayalas*)."

Everybody knows that Kayyala walls require periodical improvement. If it is not repaired the walls will fall down.

Mr. M. N. Paramesvaran Pillai : Do not walls require periodical repairs ?

Mr. M. Govindan : Whatever it is the adjective 'permanent' is inapplicable to walls including kayyalas. If compensation is to be paid for putting up walls including kayyalas it is better that expression 'permanent' is omitted. Masonry walls do not require constant repairs, but, kayyala walls which are sometimes mud-walls do stand in need of repairs. It is not possible that every kayyala can stand for years without periodical repairs. Some may stand for a long period. They cannot be called permanent structures.

Mr. K. P. Nilakanta Pillai : Is it the member's grievance that kayyala walls should not be included in that definition ?

Mr. M. Govindan : I only object to the expression "permanent walls including kayyalas".

Mr. K. P. Nilakanta Pillai : May I know the distinction between the kayyala wall and the wall that the member wants to be included in the definition?

Mr. M. Govindan : I do not quite understand what the member wants. The adjective 'permanent' before the word walls should be omitted for two reasons. In the first place compensation is to be paid for walls and secondly in the nature of kayyala walls which require compensation to be paid the expression 'permanent' is not at all necessary. By the existence of that word the subordinate officers who come in for enquiry may abuse their power and define even permanent walls as not permanent. There is already the complaint that officers are corrupt, this provision will give more opportunities for corruption.

Mr. M. N. Paramesvaran Pillai : May I know from the member how the question of compensation is decided at present ?

Mr. M. Govindan : It is paid.

Mr. M. N. Paramesvaran Pillai : May I know whether compensation is paid for all kayyala walls ?

Mr. .M Govindan : Yes.

Mr. M. N. Paramesvaran Pillai : Are there not kayyala walls which require improvement once in six months or at least annually ?

Mr. M. Govindan : My experience is that kayyala wall need not be put every year. If properly cared, they will stand for some years.

Mr. K. P. Nilakanta Pillai : What is the meaning of the word 'permanent'?

Mr. M. Govindan : That expression may be misused by the subordinate officers, and may be misconstrued in this chinging world of ours.

Mr. M. N. Paramesvaran Pillai : May I know whether there is anything in this world which could be called permanent?

Mr. M. Govindan : That is what I am going to say. There is nothing permanent in this changing world. This qualification of "walls", by the description permanent lend itself to already the subordinate officers, the court commissioners. They may say that some walls are permanent and some not according to their arbitrary, descretion comparatively permanent walls may be characterised as non-permanent ones.

Mr. Kayalam Paramesvaran Pillai : Will not the Court exercise its judgment over the commissioner's report?

Mr. M. Govindan Yes. But the Commissioner's report is valuable evidence. In these days it is usually accepted by Courts. That is the real danger. Any amount of explanation to convince about the permanent character of the wall may be brushed aside by the commissioners. For this reason, I object to the use of the word 'permanent' before "walls"

Mr. J. John Kattakayam : "ശാശ്വതമായ" എന്ന പദത്തെക്കുറിച്ചാണ് ഭേദഗതി കൊണ്ടുവന്നിട്ടുള്ളതു്. "സ്ഥിരമായ" എന്നുള്ള വാക്കുവിട്ടുകളഞ്ഞില്ലെങ്കിൽ അതു പല തരത്തിലുള്ള ദോഷങ്ങൾക്കു കാരണമായിത്തീരും. അതു് അവ്യക്തമായ ഒരു പദമാണ്. കഴിയുന്നതും സ്പഷ്ടമായും വിശദമായും ഉള്ള വാക്കുകൾ ഉപയോഗിക്കാതെ ഇതുപോലെയുള്ള പദങ്ങൾ നിയമനിർമ്മാണത്തിനുപയോഗിക്കുന്നതുകൊണ്ട് അനാവശ്യമായ വ്യവഹാരങ്ങൾക്ക് ഇടയാകുന്നുണ്ട്. രാജ്യത്തിനു ഇതിൽ പരം ദൂഷ്യംവരുത്തുന്ന മറ്റൊരു കാര്യവുമില്ല. ആ പദങ്ങളെ അനാവശ്യമായ വിധത്തിൽ കോടതികളും കക്ഷികളും വക്കീലന്മാരും വ്യാഖ്യാനിക്കുകയും അതു ഭയങ്കരങ്ങളായ വഴക്കുകൾക്കും വക്കാണങ്ങൾക്കും വഴി കൊടുക്കുകയും ചെയ്യും. ഏതെങ്കിലും ഒരു നിയമനിർമ്മാണം ചെയ്യുമ്പോൾ അതു് രാജ്യത്തിന്റെയും ജനങ്ങളുടേയും അഭിവൃദ്ധിക്കുതകുന്നില്ലെങ്കിൽ അതിന്റെ ഭവിഷ്യത്ഫലം എല്ലാവർക്കും അറിയാൻ കഴിയുന്നതാണ്. ഈ പദം പ്രയോഗിച്ചാൽ ആ തരത്തിൽ വലിയ ദോഷമുണ്ടാകുന്നതാണ്. ഇവിടെയുള്ള ആളുകൾ സാധാരണ വ്യവഹാരപ്രിയന്മാരായിട്ടാണു കാണുന്നതു്. മററുള്ള രാജ്യങ്ങളിലെ സ്ഥിതി എങ്ങിനെയിരുന്നാലും ഇവിടത്തെ സ്ഥിതി അതാണ്. സാധാരണയായി നാട്ടിൻപുറങ്ങളെ അഭിവൃദ്ധിപ്പെടുത്തുന്ന ആളുകളെ തമ്മിൽ തമ്മിൽ കുട്ടിയടിപ്പിച്ചു തലകീറിപ്പിച്ചു അതിൽനിന്നും നിർഗളിക്കുന്ന

രുധിരം, ഇന്നലെ ഞാൻ പറഞ്ഞതുപോലെ, ഊററിക്കുടിക്കാൻ വിരുതുള്ള മൂട്ടവക്കീലന്മാരുണ്ട് എന്നു ഞാൻ പ്രസ്താവിക്കുമ്പോൾ ഈ പ്രസ്താവനയിൽ എൻെറ മാന്യസ്നേഹിതന്മാരിൽ ചിലർ വിഷമിക്കുന്നുണ്ടാവാം. എങ്കിലും പരമാർത്ഥം അതാണ്. തനിക്കു ഏതു മാർഗ്ഗത്തിൽക്കൂടി പോയാലാണ് രക്ഷയുള്ളതെന്നുള്ള ഉൽക്കണ്ഠയോടുകൂടിയാണ് ഒരു കർഷകൻ ഒരു വക്കീലിനെ സമീപിക്കുന്നത്. ഇതിൽ കാണുന്നതുപോലെ "സ്ഥിരമായ" എന്ന പദം കയ്യിൽകിട്ടിയാൽ അത്തരം വക്കീലന്മാർ പിന്നെ അവനെ വെറുതെ വിടുകയില്ല. ശാശ്വതമായി ഈ ലോകത്തെന്താണുള്ളത്? ഒന്നുമില്ല. ഈ കാണുന്നതു മുഴുവൻ അനശ്വരംതന്നെ. ആ തരത്തിലാണു ജഗദീശ്വരൻ ലോകത്തെ സൃഷ്ടിച്ചിരിക്കുന്നത്. അങ്ങിനെ നോക്കുമ്പോൾ "ശാശ്വതമായ" എന്ന പദം ഈ ബില്ലിൻെറ നിർമ്മാതാവ് ഇവിടെ ചേർത്തിരിക്കുന്നത് സദുദ്ദേശത്തോടുകൂടിയല്ലെന്നു വിശ്വസിക്കേണ്ടിയിരിക്കുന്നു. അതുകൊണ്ട് എൻെറ മാന്യസ്നേഹിതൻ മി. ഗോവിന്ദൻ കൊണ്ടുവന്ന ഈ ഭേദഗതിയെ അനുകൂലിക്കുന്നു. എൻെറ ബഹുമാന്യസ്നേഹിതന്മാർ ഈ ഭേദഗതിയെ എങ്കിലും അനുകൂലിക്കണമെന്നു കർഷകരുടെ നാമത്തിൽ ഞാൻ എല്ലാപേരോടും അഭ്യർത്ഥിക്കയും ചെയ്യുന്നു.

Mr. E. P. Varghese: I wish to say a few words in support of the amendment. On reading through the various sub-clauses where the definition of improvement comes in I find the word 'permanent' used particularly before walls in Explanation (e). With regard to farm buildings, dwelling houses, cattle sheds etc., it is known to everybody that these are not permanent structures. I do not understand why the expression 'permanent' is used before walls including kayyalas. I am also at a loss to know why they should be compensated for. In the very nature of things kayyalas are not permanent walls which could stand for a longer period. To say that walls including kayyala walls should be permanent is to insist upon impossibilities just for the purpose of denying compensation. Unless a distinction is made between kayyala and walls there is no purpose in the use of the word 'permanent'. As Mr. Govindan suggested it is not possible to make a kayyala as permanent structure, and nobody would concede that kayyala is a permanent structure.

Mr. M. N. Paramesvaran Pillai: What does the member think about the kayyala walls round about the Fort boundary? Are they permanent or temporary ones?

Mr. E. P. Varghese: It cannot be called a permanent one. Every now and then these kayyala walls are being repaired.

Mr. M. N. Paramesvaran Pillai : Does the member know that there are permanent kayyala walls in Chirayinkil taluk?

Mr. E. P. Varghese : I do not belong to that place, and therefore I do not know the conditions there. Very well.

Mr. M. N. Paramesvaran Pillai : May I know which constituency is being represented by the honourable member ?

Mr. E. P. Varghese : I do not represent any particular constituency. But I can speak about my place with certainty.

Mr. M. N. Paramesvaran Pillai : Does it mean the the member should shut his eyes about the needs of the other constituencies ?

President : The honourable member must address the Chair.

Mr. E. P. Varghese : I can speak only from my own experience. I do not know the conditions in Chirayinkil.

Mr. M. Govindan : May I know whether the member has observed the thatched kayyalas between Kadakavoor and Varkalai ?

Mr. E. P. Varghese : I have observed more kayyala walll in Trivandrum itself. If they are not thatched properly they will tumble down. The existence of that expression 'permanent' will give a latitude for the commissioners to decide arbitarrily. It leaves room for a lot of corruption. To judge whether a kayyala is permanent or not, a distinction has to be drawn between a wall and a kayyala.

Mr. M. N. Paramesvaran Pillai : Has the member seen tiled kayyala walls ?

Mr. E. P. Varghese : Yes.

Mr. Tariatu Kunjitomman : “കളപ്പുരകളൊ, വാസഗേഹങ്ങളൊ, തൊഴുപ്പുരകളൊ, മററു എടുപ്പുകളൊ, കയ്യാല ഉൾപ്പെടെ സ്ഥിരമായുള്ള ഭിത്തികളൊ പണികഴിപ്പിക്കുക” എന്നു പറയുന്നതിൽ “സ്ഥിരമായുള്ള” എന്ന പദം എടുത്തുകളയണമെന്നുള്ള ഭേദഗതിയെ ഞാൻ ബലമായി പിൻതാങ്ങുന്നു. അങ്ങിനെയുള്ള ഒരു പദമിരിക്കുന്നതുകൊണ്ടു ദേഹണ്ഡികളായ കർഷകർക്കു വലുതായ നഷ്ടത്തിനിടയാകുന്നുണ്ടു്. ഞാൻ തിരുവിതാംകൂറിൽ പലസ്ഥലത്തും സഞ്ചരിച്ചിട്ടുണ്ടു്. ഒരു കർഷകന്റെ ദേഹണ്ഡസ്വഭാവം എനിക്കു ഏറെക്കുറെ അറിയാമെന്നു ഞാൻ വിശ്വസിക്കുന്നു. സാധാരണ കർഷകർ ദേഹണ്ഡിക്കുന്ന പുരയിടത്തിലെ മണ്ണു് ഒലിച്ചുപോകാതെ നോക്കുന്നു. അതിനുശേഷമാണു കയ്യാല വയ്ക്കാനൊരുമ്പെടുന്നതു്.

Mr. K. P. Nilakanta Pillai : മെമ്പർ ഇവിടെ പല സ്ഥലങ്ങളും സഞ്ചരിച്ചു എന്നു പറഞ്ഞല്ലൊ. അപ്പോൾ കയ്യാല കെട്ടാറുള്ള എത്ര താലൂക്കുകൾ കണ്ടു എന്നു പറയാമോ?

Mr. Tariatu Kunjitomman : എന്റെ സ്നേഹിതന്റെ ചോദ്യം ഉത്തരം അർഹിക്കുന്നില്ലെന്നുകണ്ടു വിട്ടുകളയുന്നു.

ഒന്നാമതായി വളം ഒലിച്ചുപോകാതെ മാട്ട് ഇടിച്ചുകെട്ടി ഉറപ്പിക്കുന്നു. അതാണു അവർ ആദ്യമായി ചെയ്യുന്നതു്. വളരെ ചെലവും പ്രയത്നവും ഈ മാട്ട് കെട്ടി ഉറപ്പിക്കുന്നതിനു ആവശ്യമുണ്ട്. അതു വളരെക്കാലം നില്ക്കുകയും ചെയ്യുന്നു.

Mr. Kayalam Paramesvaran Pillai : തൽക്കാലം കൃഷിക്കായി ആണ്ടുതോറും കയ്യാലകൾ വയ്ക്കാറില്ലേ?

Mr. Tariatu Kunjitomman : അങ്ങിനെ വയ്ക്കാറില്ല. വളം ഒലിച്ചുപോകാതിരിപ്പാൻ ആണ്ടുതോറും മണ്ണു വലിച്ചു കൂട്ടാറുണ്ടെന്നേയുള്ളു.

Mr. J. John Kattakayam : കൃഷിയുടെ ഉപയോഗത്തിനായി മാട്ടു വെട്ടിപ്പിടിപ്പിച്ചതിനുശേഷം ഖണ്ഡങ്ങളായി പുരയിടത്തിനകത്തുതന്നെ കയ്യാല കെട്ടാറില്ലേ?

Mr. K. P. Nilakanta Pillai: താൽക്കാലികമായി കൃഷിചെയ്യേണ്ട ആവശ്യത്തിലേക്കു കൊല്ലംതോറും കയ്യാല ഉണ്ടാക്കാറില്ലേ?

Mr. Tariatu Kunjitomman : മണ്ണുകൊണ്ടുള്ള കയ്യാലതന്നെയും ഒരുകൊല്ലമല്ല നില്ക്കുന്നതു്. ആണ്ടുതോറും അതിനെ സംരക്ഷണം ചെയ്തുകൊണ്ടിരിക്കും.

Mr. J. John Kattakayam: ഭൂമിയുടെ വളം നശിച്ചുപോകാതിരിക്കുവാൻവേണ്ടി അതിനുചുറ്റും മാട്ടുകെട്ടി ഉറപ്പിക്കാറില്ലേ?

Mr. Tariatu Kunjitomman : അതാണു ഞാൻ പറഞ്ഞുകൊണ്ടുവന്നതു. ആദ്യമായി മാട്ടുകെട്ടി ഉറപ്പിക്കുന്നതിനുവേണ്ടി ചുററിനും മണ്ണുകോരും. പിന്നീടു നിമ്നോന്നതമായികിടക്കുന്ന ഭൂമികൾ തട്ടുതിരിച്ചു നിരപ്പുവരുത്തും. ഇങ്ങനെയെല്ലാം ചെയ്യുന്നതിനു വളരെ ചെലവുണ്ട്. പിന്നീടാണു അതിനുചുറ്റും കയ്യാലകോരുന്നതു്.

Mr. K. P. Nilakanta Pillai : മെംബർ പറയുന്നതു എല്ലാ കയ്യാലകളും സ്ഥിരമായിട്ടുള്ളതാണെന്നാണോ?

Mr. Tariatu Kunjitomman: എല്ലാം സ്ഥിരമാണെന്നു ഞാൻ പറയുന്നില്ല. എന്നാൽ ഒരു വർഷത്തിലധികം പഴക്കമുള്ളവയാ

[Mr. Tariatu Kunjitomman.]

ണ് എല്ലാ കയ്യാലകളും. പത്തും ഇരുപതും കൊല്ലം പഴക്കം ചെന്ന കയ്യാലകളും ഉണ്ട്. അവയും സ്ഥിരമാണെന്നു പറയാൻപാടില്ല.

Mr. Kayalam Paramesvaran Pillai: ആണ്ടോടാണ്ടു വയ്ക്കുന്ന കയ്യാല ഉണ്ടോ?

Mr. Tariatu Kunjitomman: അങ്ങിനെയുള്ള കയ്യാലകൾ ഇല്ല. ഒരാണ്ടുകൊണ്ടു ഒരു കയ്യാലയുടെ സ്വല്പം വല്ല ഭാഗവും ഇടിഞ്ഞുപോയി എന്നുവരാം. അങ്ങിനെയുള്ള കയ്യാലകളെ ആണ്ടുതോറും പുതുക്കിക്കൊണ്ടിരിക്കണമെന്നേയുള്ളു. മുഴുവനായി കെട്ടേണ്ട ഭാരം അവനു ഒരിക്കലും വരുന്നതല്ല.

വളരെ അധികം ചെലവും ബുദ്ധിമുട്ടും ഉള്ളതായ ഒരു വേലയാണു കയ്യാലകെട്ടുക എന്നു പറയുന്നതു്. അതിനു മിക്കവാറും വേലയില്ലെന്നു പറഞ്ഞു പ്രതിഫലവും കൊടുക്കാതെ കർഷകരെ കണ്ണീരും കയ്യുമായി വിടാനുള്ള പണിയാണിതു്. ഒന്നും സ്ഥിരമല്ല എന്നു വരുത്തി കർഷകരെ കഷ്ടപ്പെടുത്തും. ജന്മിമാരും കർഷകരുംകൂടി ഒരു വ്യവഹാരത്തിൽ പ്രവേശിക്കുമ്പോൾ ജന്മി സൂചി കടത്തുന്നിടത്തു തുമ്പാ കടത്തുന്നതും തുമ്പാ കടത്താൻ കഴിവുള്ളിടത്തുപോലും സൂചി കടത്താൻ നിർവാഹമില്ലാതെ കർഷകൻ വിഷമിക്കുന്നതും സാധാരണയാണ്.

Mr. KomilezathuSankaran: കയ്യാല കോരുന്നതുകൊണ്ട് ഭൂമിയുടെ വിലക്കു വല്ല കൂടുതലും വരുമോ?

Mr. Tariatu Kunjitomman: നിശ്ചയമായും വരും. മേൽമണ്ണാണ് വളരെ കൂറുള്ള മണ്ണ്. മേൽമണ്ണു ഒലിച്ചുപോയാൽ വളമെല്ലാം പോകും. അതുകൊണ്ടു തട്ടുകളിട്ടു പടിപടിയായി കയ്യാലകൾ കെട്ടും. അപ്പോൾ വളം ഒലിച്ചുപോകുകയില്ല. അങ്ങിനെ ചെയ്യുമ്പോൾ വസ്തുക്കൾക്കു വിലകൂടുക സാധാരണമാണ്. അതൊന്നും സ്ഥിരമല്ല എന്നു പറഞ്ഞാൽ ശരിയാകുന്നതല്ല. നമ്മുടെയും രാജ്യത്തിന്റെ സ്ഥിതിയും അഭിവൃദ്ധിയും എല്ലാം കർഷകന്റെ അഭിവൃദ്ധിയിലാണിരിക്കുന്നതു്. കുരുമുളകായും റബ്ബറായും മററുള്ള സാധനങ്ങളായും രാജ്യത്തെ സമൃദ്ധിയിൽ ആറാടിപ്പിക്കത്തക്കവിധത്തിൽ ഇവിടത്തെ വനങ്ങളെ വൃന്ദാവനങ്ങളാക്കിയിരിക്കുന്ന ദേഹാന്ധികളെ കഷ്ടപ്പെടുത്തുന്ന ഇത്തരത്തിലുള്ള ഒരു നിയമം സൃഷ്ടിക്കുന്നതു പുരോഗമിച്ചുകൊണ്ടിരിക്കുന്ന ഒരു രാജ്യത്തിനു ഒരിക്കലും ശ്രേയസ്കരമായിരിക്കുകയില്ല. അതുകൊണ്ട് "സ്ഥിരമായ്" എന്ന പദം എടുത്തുകളയുകതന്നെ വേണം. ദേഹണ്ഡം ഉണ്ടെങ്കിൽ അതിനുള്ള പ്രതിഫലം കൊടുക്കണം. ഇന്ന ദേഹണ്ഡം ഉണ്ട്,

അതിനു ഇന്ന വിലകൊടുക്കണം എന്നുകണ്ടാൽ അതു കൊടുത്താൽ മതിയല്ലോ. ഒരു കർഷകനു ഭൂമിയിൽ അധികം ചെലവുചെയ്യേണ്ട കാര്യമുണ്ടെങ്കിൽ അതു കയ്യാലകെട്ടുകയാണ്. മണ്ണുകോരി അത്യദ്ധ്വാനം ചെയ്തുവേണം കയ്യാലകെട്ടുവാൻ. ലോകത്തിൽ ഒന്നും സ്ഥിരമല്ലല്ലൊ. സ്ഥിരം എന്നുള്ള പദത്തിനു ഒരു വ്യാപ്തിപോലും വച്ചിട്ടില്ല. അതിനെ എങ്ങിനെ വേണമെങ്കിലും വ്യാഖ്യാനിക്കാം. അതുകൊണ്ട് ഈ പദം ബില്ലിനു ഉൾപ്പെടുത്തിയാൽ ദേഹണ്ഡികൾ വളരെ വിഷമിക്കും. തന്റെ ദേഹണ്ഡത്തിനു നിശ്ചയമായും എന്തെങ്കിലും പ്രതിഫലം കിട്ടുമെന്നുള്ള ആശകൊണ്ടാണു അവൻ അദ്ധ്വാനിക്കുന്നതു്. അങ്ങിനെയുള്ള ഒരാശ അവനുണ്ടായിരിക്കണം. അല്ലെങ്കിൽ ഭൂമി നന്നാകകയില്ല. രാജ്യം അധഃപ്പതിച്ചുപോകും. അവനു കൃഷിചെയ്യണമെങ്കിൽ ഭൂമിയുടെ വളം ഒലിച്ചുപോകാതിരിക്കത്തക്കവിധത്തിൽ വേണ്ടകാര്യങ്ങളെല്ലാം ചെയ്യേണ്ടതാണ്. ഈ സ്ഥിതി തിരുവിതാംകൂറിൽ എല്ലാ സ്ഥലത്തുമുണ്ട്. തെക്കോട്ടു വരും തോറും അധികമായി കാണുന്നതു മണ്ണുകയ്യാലകളാണ്. മലംപ്രദേശത്തിലുള്ളതു കല്ലുകൊണ്ടുകെട്ടിയ ഉറച്ചകയ്യാലകളാണ്. ഒരു കർഷകനു അവന്റെ ദേഹണ്ഡത്തിനു പ്രതിഫലം കിട്ടുന്നില്ലെങ്കിൽ വളരെ സങ്കടം അവനുണ്ടാകും.

Mr. Komiiezhathu Sankaran : സാധാരണവസ്തുക്കൾ പാട്ടത്തിനു കൊടുക്കുമ്പോൾ കയ്യാലകെട്ടുന്നതിനുള്ള ചെലവു പാട്ടത്തിൽ വകവച്ചുകൊടുക്കാറില്ലേ.

Mr. Tariatu Kunjitomman : ചിലയിടത്തു അങ്ങിനെ ചെയ്യാറുണ്ട്. പക്ഷെ സാധാരണ ചെയ്യാറുണ്ടെന്നു തോന്നുന്നില്ല.

അതുകൊണ്ട് ഈ ഭേദഗതിയെ ഞാൻ അനുകൂലിക്കുന്നു.

Mr. Kayalam Paramesvaran Pillai : Sir, I wish to speak a few words on this amendment. I am not either opposing or supporting the amendment. But, as one who had taken part in the debates on this Bill in another place I may explain what is it that is intended by the word "permanent". It appeared in those debates that there were kayyalas which at the end of the year in which they were put up may cease to exist. To distinguish between such kayyalas and the ordinary kayyala walls the word "permanent" was added.

Mr. E. P. Varghese: May I know whether as long as the word permanent is not defined it will lead to great harm?

Mr. Kayalam Paramesaran Pillai : I am not giving an opinion on the point. If it is apprehended it will lead to harm it is open to the House to change it.

President: Moved and seconded that in clause 2, Explanation 1 (e), line 2, delete "permanent".

The amendment was put to vote and lost.

Mr. M. N. Paramesvaran Pillai: I demand a poll.

A poll was taken with the following result—

AYES—9.

1 Mr. Syed M. Bava	5 Mr. J. John Kattakayam
2 ,, M. Govindan	6 ,, Tariatu Kunjitomman
3 ,, Eric Hall	7 ,, H. O. L. Marikar
4 ,, C. M. Joseph	8 ,, Komilezhathu Sankaran

9 Mr. E. P. Varghese.

NOES—14.

1 Mr. V. S. Arumukham Pillai	8 Mr. K. P. Nilakanta Pillai
2 ,, Hajee Hassan Yacob Sait	9 ,, K. Padmanabha Panicker
3 ,, K. N. Kesavan Namputiripad	10 ,, N. K. Padmanabha Pillai
4 ,, K. Madhavan Pillai	11 ,, K. Padmanabhan Tampi
5 ,, M. P. Madhavan Pillai	12 ,, M. N. Paramesvaran Pillai
6 ,, G. Narayana Aiyar	13 ,, N. Ramakrishna Pillai
7 ,, M. N. Narayana Menon	14 ,, A. N. Visvanatha Pillai.

NEUTRALS—11.

1 Mr. C. V. Chandrasekharan	7 Mr. K. Paramesvara Panicker
2 ,, M. Govinda Pillai	8 ,, Kayalam Paramesvaran Pillai
3 Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai	9 ,, R. Pitchu Aiyangar
4 Mr. C. Kumara Das	10 ,, Rao Bahadur A. Rengaswami Aiyar
5 ,, C. O. Madhavan	11 ,, K. Sankaralingam Pillai.
6 ,, K. R. Narayana Aiyar	

The amendment was declared lost. 9 voting *for* the amendment, 14 *against* and 11 remaining *neutral*.

Mr. E. P. Varghese: My amendment is also similar to the previous one. It is that in clause 2, Explanation I (f), delete the words "as permanently" and substitute the word "which".

Mr. M. Govindan: May I point out that Mr. Varghese's amendment and my amendment No. 29 are almost identical. He wants the word "which" and I want the word "as" to be inserted. Therefore if Mr. Varghese is agreeable I shall move my amendment.

Mr. E. P. Varghese: I am agreeable.

President: Mr. Govindan may move his amendment.

Mr. M. Govindan: Sir, I move that, in clause 2, Explanation 1 (f), line 2, after "as" delete "permanently". When the

word is omitted, the Section will read thus--"the renewal or reconstruction of any of the foregoing works or such alterations or additions thereto as increase their value, but are not of the nature of mere repair'. I submit that, when considering whether a work is an improvement or not the test is whether it adds to the value of the holding. The word "permanently' will indicate that the increased value must continue. The continuance may be in various ways. Suppose, Sir, a holding worth Rs. 500 is increased to Rs. 1,000. But, if, at the time of valuation, it has deteriorated and is worth only Rs. 400, it is not "continuing to be increasing". The increase tapers down as years go on. That is no reason why the improvement should not be paid for. The word "permanently" will make it appear that the increase in valuation should continue undiminished for ever. That is impossible. The objection that was raised to the expression "permanently", and the speeches made in this House for the deletion of the expression "permanent' in respect of *Kayyala* walls, apply with equal force if not more to the deletion of this expression "permanently" also. I may say that this expression is even more objectionable, because the "increased value" is admitted here. Even after the value has admittedly increased there is a loophole made in the provision to contend that it has not permanently increased.

Mr. M. N. Paramesvaran Pillai May I know whether there is not an explanation for that in the subsequent portion of the Clause?

Mr. M. Govindan: Yes, Sir, the subsequent portion of the same clause is more objectionable. For that also, I have tabled an amendment. The trouble would be more when the subsequent portion of the Explanation is taken. It is a more mischievous clause which would place another weapon into the hands of the subordinate officers who are responsible for fixing the value of improvements. They will have to see whether the improvements effected are considered as mere repair or not. The line to be drawn between mere repair and permanent improvement is delicate. And it would make the administration of justice difficult in regard to this matter.

Mr. M. N. Paramesvaran Pillai: Is it the member's opinion that annual repairs should be paid for.

Mr. M. Govindan: Certainly not. Nobody will say that it adds to the value of the holding. Annual repair is necessary for the maintenance of the value at a particular level.

Mr. G. Narayana Aiyar: Suppose a tenant takes on lease a particular property, and puts up a costly building. After some time the value of the land goes down and the building can only fetch a meagre rent. Is the landlord bound to pay the value of the building for compensation ?

Mr. M. Govindan: If the value of compensation at the time of the eviction of the occupant is determined after a period of deterioration not due to the tenant. Even if the value of the land has not increased, the landlord is bound to pay for the building as an improvement. Suppose a subordinate officer finds that the income derived from the land is decreasing, although more than at the beginning he will not recommend payment for any improvement. So, I submit to this House that the provision is amended suitably as suggested in the proposed amendment.

Mr. E. P. Varghese: I too support the amendment If there is no permanency to be found in the works of improvements, then compensation is to be denied. I think it is putting a lot of obstacles in the way of tenants getting money for the labour which he has invested on the land. Of course, it is said that compensation will be given to such renewals which are not in the nature of mere repairs. This provision itself militates aganist the necessity of the word "permanent" there. We find that such constructive works of drainage, levelling, terracing and renewals are all of a permanent nature. Therefore there is no necessity to retain the word "permanently" there. So I appeal to the House that the word "permanently" may be taken away.

The amendment was put to the vote of the House and lost.

Mr. M. Govindan: I beg to move the following amendment:

In clause 2, Explanation I (f) line 2, delete "but are not the nature of mere repair".

This provision again instead of preventing corruption, gives loophole for abuse. "But are not of the nature of mere repair", as I observed when I was moving my previous amendment, this expression enables the subordinate officers to give mischievous verdicts in regard to the fixing of the nature of improvements. Repair is one which is necessary for restoring the value of any particular thing which has become deteriorated by use or time. If it has added to the value of the holding it should be an improvement. The expression "but" is introduced simply to cut away a portion of the work that adds to the value of the holding treating it as repair. If it increases the value of the holding, can it be said that it is mere repair.

Mr. E. P. Varghese: Can the honourable member find any difference between renewal and repair ?

Mr. M. Govindan : The distinction is not much. What I submit, Sir, is that expression must be omitted. There will be no necessity for distinction if that omission is made as suggested. If the work is renewal or reconstruction which increases the value of the holding, then it can never be mere repair. I therefore commend my amendment for the acceptance of this House.

Mr. J. John Kattakayam : ഈ ഭേദഗതിയെ ഞാൻ അനുകൂലിക്കുന്നു.

The amendment was put to the vote of the House and lost.

Mr. M. Govindan : I demand a poll.

A poll was taken with the following result.

AYES—6.

1. Mr. C. M. Joseph	4. Mr. M. Govindan
2. ,, J. John Kattakayam	5. ,, Tariatu Kunjitomman
3. ,, K. Madhavan Pillai	6. ,, E. P. Varghese

NOES—11.

1. Mr. M. N. Narayana Menon	6. Mr. M. N. Paramesvaran Pillai
2. ,, K. P. Nilakanta Pillai	7. ,, S. Piraviperumal Pillai
3. ,, K. Padmanabha Panickar	8. ,, M. P. Madhavan Pillai
4. ,, N. K. Padmanabha Pillai	9. ,, K. Sankaralingam Pillai
5. ,, P. Padmanabhan Tampi	10. ,, N. Ramakrishna Pillai
	11. ,, A. N. Visvanatha Pillai

NEUTRALS—11.

1. Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai	7. Mr. Kayalam Paramesvaran Pillai
2. Mr. K. Paramesvara Panickar	8. ,, C. V. Chandrasekharan
3. ,, C. Kumara Das	9. ,, M. Govinda Pillai
4. ,, K. R. Narayana Aiyar	10. ,, G. Narayana Aiyar
5. ,, R. Pitchu Aiyangar	11. ,, M. O. L. Marikar
6. ,, C. O. Madhavan	

The Amendment was declared lost, 6 voting for the amendment, 11 against and 11 remaining neutral.

At this stage the President left the House and Mr. K. N. Kesavan Namputiripad, one of the Panel of chairmen, Presided.

Mr. J. John Kattakayam: രണ്ടാം വകുപ്പിലെ മൂന്നാം ഉപവകുപ്പിലുള്ള വിവരണത്തിലെ എഫ് ഖണ്ഡികയിലെ ഒടുവിലത്തെ പാരാ എടുത്തു കളയണമെന്നുള്ളതാണ് എന്റെ ഭേദഗതി. സർ, ഇപ്രകാരം ഒരു ഭേദഗതി അവതരിപ്പിക്കുന്നതിനു എന്നെ പ്രേരിപ്പിച്ച സംഗതി കർഷകർക്കു ഏറ്റവും ദോഷത്തെ ചെയ്യുന്ന ഒരു ഭാഗമാണു

[Mr. J. John Kattakayam.]
ഇതെന്നു കണ്ടതുകൊണ്ടു മാത്രമാണ്. ഈ പാരായിൽ അവ്യക്തമായ പദങ്ങൾ ധാരാളം അടങ്ങിയിട്ടുണ്ട്.

Mr. Kayalam Paramesvaran Pillai ഏതു പാരായാണു അതു്?

Mr. J. John Kattakayam : എന്റെ ഭേദഗതിയിൽ കാണുന്നഭാഗം അതായത് "എന്നാൽ വസ്തു കൈവശക്കാരൻ കൃഷിയിറക്കുന്ന സന്ദർഭത്തിൽ സാധാരണയായി ചെയ്യുന്ന വെട്ടിത്തെളിക്കലുകൾ, അണകെട്ടലുകൾ, നിരപ്പുവരുത്തലുകൾ, അടച്ചുകെട്ടലുകൾ, താൽക്കാലികമായ കിണറുകൾ, നീർച്ചാലുകൾ ഇവയൊ സാധാരണ കൃഷിപ്രവൃത്തനങ്ങൾമൂലം ഭൂമിക്കു സിദ്ധിക്കുന്ന മറെറന്തെങ്കിലും ഗുണമൊ ഉൾപ്പെടുന്നതല്ല." എന്നു പറഞ്ഞിരിക്കുന്ന ഭാഗമാണ്.

Mr. Kayalam Paramesvaran Pillai : അതു മിസ്റ്റർ വർഗീസിന്റെ ഭേദഗതിയല്ലേ?

Mr. J. John Kattakayam : അല്ല, എന്റേതാണു. പണ്ഡിതനായ ലാമെമ്പക്കു അമ്പലം പററിയതാണ്. ഇതിൽ ചേർത്തിരിക്കുന്ന ഈ വാചകത്തെപ്പററി, കർഷകരെ അമർത്തണമെന്നു ജന്മിമാർക്കോ അതല്ലെങ്കിൽ അവരുടെ പാർശ്വവർത്തകൾക്കൊ ഉള്ള ദുരുദ്ദേശത്തിന്റെ ബാഹ്യപ്രവാഹപ്രകടനമെന്നുമാത്രമെ പറയാൻ കാണുന്നുള്ളു.

Mr. K. P. Nilakanta Pillai : സർ, ചെയറിൽനിന്നും ഇന്നലെ, മെമ്പറന്മാരുടെ മോട്ടീവിനെപ്പററി യാതൊന്നും ആരും സംസാരിക്കരുതെന്നു പറഞ്ഞിട്ടുണ്ട്. മി. കട്ടക്കയം ഇപ്പോൾ പറയുന്നതു് അതിനു വിപരീതമായിട്ടാണ്.

Mr. J. John Kattakayam : ഞാൻ മെംബറന്മാരെപ്പററി യാതൊന്നും പറഞ്ഞില്ല. ഇങ്ങിനെയൊരു ബിൽ അവതരിപ്പിക്കുന്നതു കണ്ടാൽ അങ്ങിനെ തോന്നും എന്നുമാത്രമെ പറഞ്ഞുള്ളു.

Chairman: ആരെയുംപററി ദുരുദ്ദേശം ആരോപിക്കാൻ പാടില്ലെന്നാണു മെംബർ പറഞ്ഞതു്.

Mr. J. John Kattakayam : അതു് ഞാൻ ചെയ്യുന്നില്ല. ബില്ലിനെപ്പററിയാണു ഞാൻ പ്രസ്താവിച്ചതു്. അല്ലാതെ മോട്ടീവുമല്ല കീട്ടീവുമല്ല.

Mr. M. N. Paramesvaran Pillai: മെംബർ മോട്ടീവു എന്നും കീട്ടീവു എന്നും പറഞ്ഞു. കീട്ടീവു എന്താണെന്നറിയുന്നില്ല. അതു സഭയുടെ അന്തസ്സിനെ പാലിക്കത്തക്ക ഒരു പ്രയോഗമാണോ?

Mr. J. John Kattakayam : അതുപോലെയുള്ള പ്രയോഗങ്ങൾ മെംബറും ഇതിനുമുമ്പ് പല പ്രാവശ്യം പ്രയോഗിച്ചിട്ടുണ്ട്.

Mr. K. Madhavan Pillai: On a point of order, Sir. May I know whether the expression 'kitive' is parliamentary? (*Laughter*)

Chairman: I do not think that it is unparliamentry. It is a word which has no meaning.

Mr. M. N. Paramesvaran Pillai: Are we to take it that the honourable member was saying nonsense?

Chairman: Very often he makes use of such meaningless words.

Mr. J. John Kattakayam : നിയമനിർമ്മാണം ഈ വിധത്തിൽ അവ്യക്തമായ പദത്തോടുകൂടിയാണെങ്കിൽ അനേകം വ്യവഹാരങ്ങൾക്കും വഴക്കുകൾക്കും അതു കാരണമായിത്തീരും. അതു രാജ്യത്തിനും ജനങ്ങൾക്കും ശ്രേയസ്കരമായുള്ളതല്ല. രാജ്യക്ഷേമകരമായ നിയമനിർമ്മാണം ഉണ്ടാകുന്നില്ലെങ്കിൽ അതുകൊണ്ട് വരാവുന്ന ഫലങ്ങൾ എന്തായിരിക്കുമെന്നു നമുക്ക് ഏകദേശം അനുമാനിക്കാവുന്നതാണ്. അങ്ങിനെ അനാവശ്യമായ വഴക്കുകൾ ഉണ്ടാക്കുന്നതിനായി കർഷകനെ പ്രേരിപ്പിക്കുകയും ഇളക്കിവിടുകയുംചെയ്യുന്നതിനു പര്യാപ്തമായ ഇതുപോലെയുള്ള ഒരു ബില്ല്, നിരൂപണത്തിനു കൊണ്ടുവന്നതുതന്നെ നീതീകരിക്കത്തക്കതല്ല. നിയമനിർമ്മാണം നടത്തുമ്പോൾ സത്യത്തിനും നീതിക്കും ന്യായത്തിനും ആവശ്യമായ ഒരു പദമാണു നമുക്കാവശ്യമുള്ളതു. ഈ ബില്ല് പാസായാൽ അതു നിമിത്തം കർഷകർക്കു ധാരാളം ദോഷങ്ങൾ സംഭവിക്കും. രാജ്യത്തിന്റെ നട്ടെല്ലായ കർഷകൻ മരിച്ചാൽ പിന്നെ ആരു ജീവിക്കും? കർഷകനാകുന്നു ഇവിടെ കാണുന്ന സകല ആഡംബരങ്ങൾക്കും കാരണഭൂതൻ. രാജധാനിയായ തിരുവനന്തപുരം ഇത്ര അലങ്കാര സംപൂർണ്ണമായി കാണുന്നതും കർഷകന്റെ വിയർപ്പിന്റെ ഫലം കൊണ്ടാണ്.

Mr. K. P. Nilakanta Pillai : ഇപ്പറഞ്ഞതും ഈ ഭേദഗതിയുമായുള്ള ബന്ധം എന്താണ്?

Mr. J. John Kattakayam : കർഷകനു രക്ഷ കിട്ടിയില്ലെങ്കിൽ രാജ്യത്തിനു യാതൊരു ശ്രേയസ്സുമില്ല. ഈ ബില്ല് പാസ്സാകുന്നപക്ഷം എനിക്കു അതുകൊണ്ടു കൂടുതൽ ഗുണമേയുണ്ടാകുകയുള്ളൂ. എന്നാൽ ഞാൻ അതിനായി ആഗ്രഹിക്കുന്നില്ല. ഞാൻ ഇവിടെ കർഷകർക്കുവേണ്ടി പറയുന്നതു് എന്റെ യാതൊരുവക സ്വന്തഗുണത്തെയും

[Mr. J. John Kattakayam.]

ഉദ്ദേശിച്ചില്ല. കർഷകരും ഞാനുമായിട്ടു യാതൊരു കരാറുമില്ല. ഗവണ്മെന്റിൽനിന്നും യാതൊരു ലാഭവും സ്വന്തനിലയിൽ എനിക്കു ലഭിച്ചിട്ടില്ല. എന്റെ കുടുംബത്തിനുപോലും ഒരു ഗുണം ഗവണ്മെന്റിനെകൊണ്ടു ഉണ്ടായിട്ടില്ല. ഒറ്റ പൈ പോലും ശമ്പളം പറ്റുന്ന ഒരു കുഞ്ഞു് എന്റെകുടുംബത്തിലില്ല. ലാൻഡ് മാർട്ട്ഗേജ് ബാങ്കു വായ്പ, കൃഷിവായ്പ ആദിയായ ഗവണ്മെന്റാനുകൂല്യങ്ങൾ എനിക്കുണ്ടായിട്ടില്ല.

Chairman: സ്വന്തകാര്യത്തെപ്പറ്റി മെമ്പർ പറയേണ്ട.

Mr. J. John Kattakayam: സർ, ഞാൻ ഒരു കർഷകനാണു്. കർഷകരുടെ സ്ഥിതികൾ എന്നെപ്പോലെ അറിയാവുന്ന മറ്റൊരു ഈ കൌൺസിലിൽ ഇല്ല. വെറും ഒരു ഗ്രാമീണനായ ഒരു മലവാസിയാകുന്നു ഞാൻ. അങ്ങിനെ ഒരു യഥാർത്ഥഗ്രാമീണനായ എനിക്കു കർഷകരെപ്പറ്റി നല്ലവണ്ണം അറിയാം. അവരുടെ മേൽ കെട്ടിവെക്കുന്ന ഒരു ബില്ലിൽ ഇങ്ങനെയുള്ള പദങ്ങൾ കുത്തിച്ചെലുത്തിവച്ചിരുന്നാൽ ഉണ്ടാകുന്ന ദോഷങ്ങൾ ചൂണ്ടിക്കാണിക്കേണ്ട ചുമതല എനിക്കുണ്ടെന്നു ഞാൻ വിചാരിക്കുന്നു. അതിനാൽ എന്റെ ഭേദഗതി സ്വീകരിച്ചു ബില്ലു പാസ്സാക്കിയാൽ കുഴപ്പവും വ്യവഹാരവർദ്ധനയും കുറയും. നിയമനിർമ്മാണത്തിൽ വ്യക്തമായ നിർവചനവും പദപ്രയോഗങ്ങളും ഉണ്ടാകേണ്ടതാണു്. അങ്ങിനെയായാൽ അതുകൊണ്ടു രാജ്യത്തിനും ജനങ്ങൾക്കും ദോഷം ഉണ്ടാകാതിരിക്കുന്നതാണു്. അതുകൊണ്ടു കർഷകരെ സാരമായി സ്പർശിക്കുന്ന ഈ ഭാഗം വിട്ടുകളയണം. ഇങ്ങനെ വിട്ടുകളഞ്ഞില്ലെങ്കിൽ അതുകൊണ്ടു രാജ്യത്തിനു വലിയ ദൂഷ്യമുണ്ടാകും. ആയതിനാൽ എന്റെ ബഹുമാന്യസ്നേഹിതന്മാർ ഈ ഭേദഗതിയെ അനുകൂലിക്കണമെന്നപേക്ഷിക്കുന്നു

Mr. M. Govindan: "വസ്തു കൈവശക്കാർ" എന്നതുമുതൽ വിട്ടുകളയണം എന്നാണോ മെമ്പർ പറയുന്നതു്?

Mr. J. John Kattakayam: ഞാൻ ഇവിടെ ഹാജരാക്കിയിരിക്കുന്നതും ആ ഭേദഗതി തന്നെയാണു്

Mr. M. Govindan: Sir, I support the motion. The amendment proposes to delete the last paragraph of para (f) which says that improvement "does not however, include such clearances, embankments, levellings, enclosures, temporary wells and water channels as are made by holders in the ordinary course of cultivation or any other benefit accruing to land from the ordinary operations of husbandry." If we stop with that, it will be the most egregious injustice. A kayala wall is put up to last for only one year. Where is the necessity for saying that that will not be treated

as improvement? It is a superfluous provision. The danger is this. Suppose a Commissioner goes to estimate the improvement, and he finds an embankment there. It is open to him to say that this embankment was put up not to improve the property, but only as an ordinary operation of husbandry.

Mr. M. N. Paramesvaran Pillai: It may be said of every other item of improvement.

Mr. M. Govindan: There may be difficulties. But why add to them, when we have already got many? The presiding officer who sends out the Commissioner to assess the value of improvement will have to tell him "You will see many wells and water-channels, but you will have to use your discretion and see whether these wells and water channels are made by the holder in the ordinary course of cultivation although they add to the value of the property ". If the improvement adds to the value of the property, it must be paid for ; that is the present idea in respect of improvement. This is an improvement on that idea. It has to be pointed out that all these come under the well established categories of improvement and may be made in the ordinary course of operations of husbandry. Enclosures are not usually temporary. Embankments are not temporary. Levellings are not usually temporary. Levelling usually done in paddy lands during cultivation are temporary no doubt. No man with any common sense will demand value for such levellings. Suppose there is a small hillock at one end of a garden and the other end is very low, then there will be a slope, and it has to be levelled. If this provision is enacted such works may be treated either as done in the ordinary course of cultivation not to be paid for or as an improvement to be paid for. But if this provision is not enacted, then such work will be paid for. If court records are looked up, you will find that payment is made for such levellings. Such levellings are not done at the ordinary operations of husbandry. They are not done periodically or annually. Once done they will last for a number of years. My opinion is that such expressions should not find a place in a statute. With these words, I support the amendment moved by Mr. Kattakayam and commend it for the acceptance of the House.

Mr. Tariatu Kunjitomman: എന്റെ സ്നേഹിതൻ മി. കട്ടക്കയം അവതരിപ്പിച്ചിട്ടുള്ള ഭേദഗതിയെ ഞാനും അനുകൂലിക്കുന്നു. "വസ്തുകൈവശക്കാർ കൃഷിയിറക്കുന്ന സന്ദർഭത്തിൽ സാധാരണയായി ചെയ്യുന്ന വെട്ടിത്തെളിക്കലുകളും, അണകെട്ടലുകളും, നിരപ്പുവരുത്തലുകളും, അടച്ചുകെട്ടലുകളും, താൽക്കാലികമായ കിണറുകളും, നീർച്ചാലുകളും" ഇവകൊണ്ടും ദേഹണ്ഡക്കാർക്കു പ്രതിഫലം കൊടുക്കേണ്ടതില്ലെന്നു വരുത്തു

[Mr. Tariatu Kunjitomman.]

ന്നു വളരെ അനീതിയായിരിക്കും. ഉദാഹരണമായി പറഞ്ഞാൽ ഒരു കർഷകൻ മലയിലുള്ള ഒരു പത്തേക്കർ സ്ഥലം ദേഹണ്ഡിക്കാൻ പോകുന്നു എന്നു വിചാരിക്കുക. അതിൽ രണ്ടേക്കർ നിലമാക്കത്തക്ക തരത്തിലുള്ളതായിരിക്കും. അതിനു കാടുവെട്ടിത്തെളിച്ചു വൃക്ഷങ്ങളെല്ലാം മറിച്ചു നിരപ്പുവരുത്തേണ്ട ആവശ്യമുണ്ട് ഇവയെല്ലാം കൃഷിചെയ്യുന്നവർക്കു ചെയ്യേണ്ട സാധാരണ വേലയാണെന്നു കരുതിയാൽ അവനു യാതൊരു പ്രതിഫലവും കിട്ടാതെപോകും. വസ്തുകൈവശക്കാർ കൃഷിയിറക്കുന്ന സന്ദർഭത്തിൽ സാധാരണയായി ചെയ്യുന്ന വെട്ടിത്തെളിക്കലുകൾ, അണകെട്ടലുകൾ, നിരപ്പുവരുത്തലുകൾ, അടച്ചുകെട്ടലുകൾ, താൽക്കാലികമായ കിണറുകൾ, നീർച്ചാലുകൾ ഇവയൊന്നും സാധാരണമായിട്ടുള്ളതല്ലാതെ വിശേഷമായ ഒന്നായി ഗണിക്കുന്നതല്ലെന്നാണ് പറയുന്നത്. ഒരു പുരയിടത്തെ നിലമാക്കുന്നതിനു നീർച്ചാലുകൾ വളരെ ആവശ്യമാണ്.

Mr. P. Padmanabhan Tampi: നിലത്തിനെ പുരയിടമാക്കുന്നതിനും പുരയിടത്തെ നിലമാക്കുന്നതിനും ജന്മിയുടെസമ്മതം ഉണ്ടായിരിക്കണമെന്നില്ലേ?

Mr. Tariatu Kunjitomman: അങ്ങനെ സമ്മതം വേണമെന്നുള്ള ഒരു നിർബന്ധമുണ്ടായിരിക്കുന്നത് വളരെ കഷ്ടമാണെന്നാണ എന്റെ അഭിപ്രായം. എന്നിരുന്നാലും സാധാരണ ജന്മിയുടെ സമ്മതംകിട്ടാതെ കർഷകൻ നിലത്തെ പുരയിടമാക്കുകയൊ പുരയിടത്തെ നിലമാക്കുകയോ ചെയ്യാറില്ല.

Mr. M. Govindan: ജന്മി സമ്മതം കൊടുത്തുമില്ല, വിസമ്മതിച്ചുമില്ല; ജന്മി ചുമ്മാതിരിക്കുന്നു. ദേഹണ്ഡക്കാരൻ നിലം പുരയിടമാക്കിയതുകൊണ്ടു വസ്തുവിനു വിലക്കുടി. ദേഹണ്ഡം കൊടുക്കേണ്ടയോ?

Mr. Tariatu Kunjitomman: നിശ്ചയമായും കൊടുക്കണം: കടലോരങ്ങളിൽ നിലത്തെ പുരയിടമാക്കിയാൽ വസ്തുവിനു വിലക്കുടും: നേരേമറിച്ചു മലംപ്രദേശങ്ങളിൽ പുരയിടങ്ങളായും ചിറകളായും കിടക്കുന്ന ഇടങ്ങൾ നിലങ്ങളാക്കിയാലായിരിക്കും വിലക്കൂടുന്നതു: അതിലേക്കു കാടെല്ലാം വെട്ടിത്തെളിക്കണം: വൃക്ഷങ്ങളെല്ലാം വേരടക്കം പിഴുതുകളയണം. വളരെ ബുദ്ധിമുട്ടുള്ള ജോലികളാണ് ഇവയെല്ലാം. പിന്നെ, തട്ടുതിരിക്കണം. അതിനുശേഷം എവിടെ എങ്കിലും നീർച്ചാലുകൾ ഉള്ളപക്ഷം അവിടെനിന്നും വെള്ളം ഈ സ്ഥലത്തു കൊണ്ടുവരണം. ഈവക ജോലികൾക്കൊന്നും പ്രതിഫലം അർഹിക്കുന്നില്ലാ എന്നു വരുത്തുന്നതു കഷ്ടമല്ലേ?

Mr. G Narayana Aiyar: ഈപറഞ്ഞ പ്രവൃത്തികളെല്ലാം ശാശ്വതമായ ഗുണത്തെ ചെയ്യുന്നവയല്ലയോ?

Mr. Tariatu Kunjitomman : ഈ ബില്ലിൽകാണുന്ന വകുപ്പുകളിലൊന്നുകൊണ്ടും ഈ വക ജോലികൾ ശാശ്വതഗുണങ്ങളെ ചെയ്യുന്നവയാണെന്നു കാണുന്നില്ല. അവ്യക്തങ്ങളായ പദപ്രയോഗങ്ങളാണ് ഇതിലുള്ളതു്. "വസ്തുകൈവശക്കാർ സാധാരണയായി ചെയ്യുന്ന വെട്ടിത്തെളിക്കലുകൾ." എന്നിങ്ങനെയാണ് ഇവിടത്തെ പദപ്രയോഗം. ഈ ജോലികളെല്ലാം സാധാരണ ജോലികളായി തള്ളിക്കളയരുതോ? സാധാരണവും അസാധാരണവും തമ്മിൽ തിരിച്ചറിയേണ്ടതു് വ്യാഖ്യാനത്തിന്റെ ബലാബലംകൊണ്ടാണ്. ശരിയായും വ്യക്തമായും സാധാരണമേതു് അസാധാരണമേതു് എന്നു ഖണ്ഡിച്ചൊന്നും ഇവിടെ പറഞ്ഞിട്ടില്ല. ഈ അവ്യക്തതകൊണ്ടു ദേഹണ്ഡക്കാരനു വളരെ വിഷമതകൾ ഉണ്ടാകും. കൃഷി ഇറക്കുന്ന സമയത്താണ് മുൻപറഞ്ഞ ജോലികളെല്ലാം ചെയ്യേണ്ടതു്. അതുകൊണ്ടു് അവ സാധാരണജോലികളാണ് എന്നു പറഞ്ഞു് ഈവക ജോലികൾക്കു ദേഹണ്ഡക്കാരനു പ്രതിഫലം കൊടുക്കാതിരിക്കാൻ മതി. എന്നാൽ ഈ ജോലി അവർ നടത്തിയതുകൊണ്ടു് ആ വസ്തുവിനു വില കൂടി എന്നുവരാം.

Mr. G. Narayana Aiyar : കൊല്ലംതോറും കൃഷി ഇറക്കുന്നതിനുള്ള സൗകര്യത്തിനുവേണ്ടി ചെയ്യുന്ന ജോലികൾക്കെല്ലാം പ്രതിഫലം കൊടുക്കണമെന്നാണോ മെമ്പർ പറയുന്നതു്?

Mr. Tariatu Kunjitomman : എന്നു ഞാൻ പറഞ്ഞില്ല. പക്ഷേ, ഏതുപാധിയിന്മേലാണ് ഈ ജോലിക്കു പ്രതിഫലം കൊടുക്കേണ്ടതെന്നു നിർണയിക്കുന്നതു്? "കൊല്ലംതോറും" എന്നുള്ള ഒരു പദംതന്നെ ഈ ബില്ലിൽ ഇല്ല. ഞാൻ പറഞ്ഞുകൊണ്ടുവരുന്നതു് ഈ വകുപ്പു ഈ രൂപത്തിൽ പാസ്സാക്കുന്നപക്ഷം അതു് ദേഹണ്ഡക്കാരനു ദോഷകരമായ വിധത്തിൽ വ്യാഖ്യാനിക്കാൻ കോടതികൾക്കു ധാരാളം സൗകര്യമുണ്ടാക്കി കൊടുക്കുമെന്നാണ്. വിലപിടിക്കാത്ത യാതൊരു ദേഹണ്ഡങ്ങളും പ്രതിഫലത്തെ അർഹിക്കുന്നില്ലെന്നുള്ളതിനു മുമ്പു പാസ്സായിട്ടുള്ള പല വകുപ്പുകളിൽനിന്നും മനസ്സിലാക്കാൻ കഴിഞ്ഞിട്ടുണ്ടു്. അതുകൊണ്ടു് വകുപ്പ് (എഫ്)ലെ രണ്ടാംപാര എടുത്തുകളയേണ്ടതാണ്. അങ്ങനെ ചെയ്തില്ലെങ്കിൽ ആ വകുപ്പിനെ കർഷകനു എതിരായി ദുരുപയോഗപ്പെടുത്തും. ഈ വകുപ്പ് എടുത്തുകളയുന്നതുകൊണ്ടു ജന്മികൾക്കു ഒരു ദോഷവും വരുന്നില്ല. ജന്മിയുടേയും അയാളുടെ ഭൂമിയുടെയും രക്ഷക്കു ഇതുകൊണ്ടു യാതൊരു തകരാറും വരാനില്ല. എ

[Mr. Tariatu Kunjitomman.]

നാൽ ഈ വകുപ്പു എടുത്തുകളഞ്ഞില്ലെങ്കിൽ അതു കുടിയാനവനു വളരെ ദോഷമുണ്ടാകുന്നതാണ്. അതുകൊണ്ടു ഈ ഭേദഗതിയെ ഞാനും ബലമായി പിൻതാങ്ങുന്നു.

The amendment was put to vote and lost.

Mr. C. M. Joseph: സർ, എന്റെ സ്നേഹിതന്മാർ മൂന്നുപേരും ഈ ബില്ലിന്റെ രണ്ടാംവകുപ്പ് (എഫ്)-ലെ ൨-ാം പാരാ പാടെ എടുത്തുകളയണമെന്നുള്ള ഒരു ഭേദഗതിയെപ്പററി ഇവിടെ സംസാരിക്കുകയുണ്ടായല്ലോ. ആ ഭേദഗതിയോടു ഈ സഭയിലെ ഒരു വലിയ ഭൂരിപക്ഷം യോജിക്കാത്തതുനിമിത്തം ആ ഭേദഗതി തള്ളപ്പെടുകയാണുണ്ടായതു്. അതുകൊണ്ടു ഞാൻ അതേ പാരയെപ്പററിത്തന്നെ വേറെ ഒരു ഭേദഗതി ഇവിടെ ഇപ്പോൾ ഹാജരാക്കാമെന്നു വിചാരിക്കുന്നു. ഈ സഭയിലെ മററു സ്നേഹിതന്മാർ ആഗ്രഹിക്കുന്നതുപോലെ ആ വകുപ്പിന്റെ അവസാന പാരഗ്രാഫ് അങ്ങിനെതന്നെ ഇരിക്കട്ടെ. എന്നാൽ അതിന്റെ അവസാനത്തിൽ "course of cultivation" എന്ന വാക്കുകൾക്കു ശേഷം "and by which the value of the holding was not been or is not calculated to be increased" എന്നു കൂടി ചേർത്തു് അതിനെ ഭേദഗതി ചെയ്യണമെന്നാണ് ഞാൻ ഇപ്പോൾ ആവശ്യപ്പെടുന്നതു്. ഞാൻ രണ്ടുദിവസമായിട്ടു ഈ ബില്ലിനെ സംബന്ധിച്ചിടത്തോളമുള്ള ഈ കൌൺസിലിന്റെ നടപടികളെ വീക്ഷിച്ചതിൽ ആകപ്പാടെ വികാരഭരിതനായിത്തീർന്നിരിക്കയാണ്. എന്റെ സ്നേഹിതന്മാരിൽ പലരും ഇതു് ഒരു ഉപരിമണ്ഡലമാണെന്നോ മററുമണ്ഡലങ്ങളെക്കാൾ കൂടുതൽ അന്തസ്സും അഭിമാനവും ഈ സഭക്കു ഉണ്ടെന്നോ വിചാരിച്ചുവരുന്നുണ്ട്. എന്നാൽ ഇക്കഴിഞ്ഞ രണ്ടുദിവസങ്ങളിലെ നടപടികൾ ശാന്തമായും നിഷ്പക്ഷമായും വീക്ഷിക്കുന്നവക്കു് ഈ സഭയെപ്പററി അത്ര വളരെ അഭിമാനിക്കാൻ വകയുണ്ടെന്നു എനിക്കു തോന്നുന്നില്ല.

Mr. M. N. Paramesvaran Pillai: I rise to a point of order. He is referring to the dignity of the House. Is the honourable member right in casting aspersions on the members and on the dignity of the House?

Mr. C. M. Joseph: ഇല്ല, ഞാൻ ഈ ബില്ലിന്റെ ഇതുവരെയുള്ള പ്രവർത്തനചരിത്രത്തെപ്പററി നിരൂപണം ചെയ്കതേയുള്ളൂ.

Mr. M. Govindan: സർ, ആ പായന്റ് ആഫ് ആർഡർ മലയാളത്തിൽത്തന്നെ പറയണ്ടേ?

Chairman: മെമ്പർ ഉപരിമണ്ഡലത്തിന്റെ അന്തസ്സിനു ഹാനികരമാകത്തക്കവിധം യാതൊന്നും പറയരുതു്.

Mr. C. M. Joseph: സർ, ആ വിധത്തിൽ ഞാൻ യാതൊന്നുംതന്നെ പറഞ്ഞിട്ടില്ല. ഈ സഭയുടെ അന്തസ്സിനെ ഞാൻ പാലിക്കുന്നില്ല എന്നു ചിലർ സംശയിക്കുന്നു. അങ്ങിനെ എന്നെ തെററിദ്ധരിച്ചതിൽ എനിക്കു വലുതായ വ്യസനമുണ്ടു്. ഏതായാലും ഈ ബില്ലിനെപ്പററി ഇവിടെ നടന്ന വാദപ്രതിവാദങ്ങൾ സൂക്ഷിച്ചുകൊണ്ടിരിക്കുന്ന ആൎക്കും തോന്നാവുന്നതു് ഇവിടെയുള്ള ചില പൊതുജനപ്രതിനിധികൾ തങ്ങളുടെ യഥാർത്ഥമായ ചുമതലകളെപ്പോലും വിസ്മരിച്ചിട്ടു് സ്വന്തമായ ചില സൗകര്യങ്ങൾക്കായി വഴിപ്പെടുന്നുവെന്നാണു്.

Mr. M. N. Paramesvaran Pillai: I rise to a point of order. He is insinuating the member of the House.

Chairman: നിങ്ങൾ ഈ ഭേദഗതിയെപ്പററി സംസാരിക്കുക.

Mr. C. M. Joseph: സർ, ഞാൻ ഈ ഭേദഗതിയെപ്പററി തന്നെയാണു് സംസാരിക്കുന്നതു്. ഈ ഭേദഗതി അവതരിപ്പിക്കുവാൻ എന്നെ പ്രേരിപ്പിച്ച കാരണവുംകൂടി പറഞ്ഞുവെന്നേയുള്ളു.

Chairman: നിങ്ങൾ ഭേദഗതിയെപ്പററി മാത്രം പ്രസ്താവിച്ചാൽ മതി.

Mr. C. M. Joseph: മുൻപു് ഇവിടെ നടന്ന ഭേദഗതികൾക്കുണ്ടായ അനുഭവത്തെപ്പററി ഞാൻ അല്പം സൂചിപ്പിച്ചുപോയി എന്നേയുള്ളു. ഈ ബില്ലിന്റെ ഉദ്ദേശത്തിനോ, തത്വത്തിനോ വിപരീതമായ നിലയിൽ സംശയാസ്പദമായും ദ്വയാർത്ഥത്തോടുകൂടിയും ഉള്ള വല്ല പദങ്ങളും ഇതിലുണ്ടെങ്കിൽ അവയെടുത്തുകളഞ്ഞു എത്രയും വ്യക്തമായും ഒരു കോടതിക്കോ, കമ്മീഷണക്കോ, വക്കീലന്മാൎക്കോ, യാതൊരുതരത്തിലും വ്യാഖ്യാനിക്കുന്നതിനു വിഷമമില്ലാത്ത രൂപത്തിലും ഈ ബില്ല് ആക്കിത്തീൎക്കണമെന്നുള്ള ഉദ്ദേശത്തോടുകൂടിയാണു് ഞാൻ ഈ ഭേദഗതി കൊണ്ടുവന്നിട്ടുള്ളതു്. ഇതിനുമുൻപു കൊണ്ടുവന്നിട്ടുള്ള ഭേദഗതികളും അതേ ഉദ്ദേശത്തോടുകൂടിത്തന്നെ കൊണ്ടുവരപ്പെട്ടിട്ടുള്ളതാണു്. എന്നാൽ, എന്റെ സ്നേഹിതന്മാർ അവയെ സ്വീകരിക്കാത്തതിൽ ഞാൻ വളരെ അത്ഭുതപ്പെടുന്നു. ഇനി, എനിക്കുള്ള അപേക്ഷ ഇതുമാത്രമാണു് "എഫ്" വകുപ്പിലെ അവസാനപാര എടുത്തുകളയണമെന്നു് ആവശ്യപ്പെട്ടു. എന്നാൽ അതു സമ്മതിച്ചില്ല. വേണ്ട; ആ പാരഗ്രാഫ് അങ്ങിനെതന്നെ ഇരിക്കട്ടെ. അതോടുകൂടി ഈ വാചകംകൂടി

[Mr. C. M. Joseph.]

ചേൎക്കണമെന്നാണ് ഞാൻ പറയുന്നത്. അതായത് "and by which the value of the holding has not been or is not calculated to be increased." ഇതാണ്. ഇതു ചേൎത്താൽ എന്തു തരക്കേടാണുള്ളത്? താൽക്കാലികമായിട്ടുള്ളതായാലും ശരി, ശാശ്വതമായിട്ടുള്ളതായാലും ശരി ഒരു കൎഷകൻ അവന്റെ കൈവശമിരിക്കുന്ന ഭൂമിയിൽ ചെയ്യുന്ന ഏതെങ്കിലും ഒരു ദേഹണ്ഡംകൊണ്ടു ആ ഭൂമിക്ക് വില കൂടുതൽ ഉണ്ടാകുന്നില്ലെങ്കിൽ ദേഹണ്ഡം കൊടുക്കേണ്ടാ എന്നു വ്യക്തമായി പറയണമെന്നുമാത്രമെ എനിക്കു അഭിപ്രായമുള്ളു. ഒരു കൎഷകൻ നീൎച്ചാലുകളൊ കയ്യാലകളൊ എന്തെങ്കിലും ഉണ്ടാക്കുന്നതുകൊണ്ടു ആ വസ്തുവിനു സാരമായ വിലക്കൂടുതൽ ഉണ്ടാകുന്നില്ലെങ്കിൽ അവകൊന്നിനും ദേഹണ്ഡം കൊടുക്കേണ്ടാ. ഈ ഭേദഗതിക്ക് ആൎക്കും ഒരു എതിരഭിപ്രായവും ഉണ്ടായിരിക്കാൻ ഇടയില്ലെന്നു ഞാൻ വിശ്വസിക്കുന്നു. അതുകൊണ്ട് ഈ ഭേദഗതികൂടി വരുത്തണമെന്നുള്ള അപേക്ഷയോടുകൂടി എന്റെ വാക്കുകളെ അവസാനിപ്പിക്കുന്നു. ഭേദഗതിയെ അവതരിപ്പിച്ചുകൊള്ളുന്നു.

Mr. E. P. Varghese: I support the amendment. This purports to include works or improvements which are done in the ordinary course of husbandary and cultivation and which increase the value of the holding. This is a restrictive clause. After having enumerated the various works for which compensation has to be paid, to place an all-embracing restriction is going too far. The amendment of my friend if carried will equally serve the purpose. Compensation need not be paid if the works have not increased the value of the holding. It is always a question of fact whether a particular work done on the land is done in the ordinary operations of husbandary or in the course of cultivation. It is therefore better to make it clear that compensation shall not be given in case the work does not increase the value of the land. I shall read a ruling from 5 T. L. J.

> "If in addition to the digging of pits, watering and fencing, the tenant has to incur extraordinary expenses in raising the level of the land in order to make it fit for plantation, there is no reason why he should be denied compensation for it. The question whether the work done is what is ordinarily expected of a planter of cocoanut trees like digging of pits, watering and fencing or whether it is an extraordinary one which has been necessitated by the peculiar nature of the soil is a questio'n fact which must be decided according to the circumstances of each case."

Therefore let us not restrict the scope of it by making a sweeping remark that compensation shall not be paid if the improvements were done in the ordinary course of husbandary and cultivation. Each work has to be decided according to the circumstances of

each case. When we codify the law it is better to make it clear that compensation shall not be paid if the work does not enhance the value of the holding. That is the criterion on which we have to judge the right for compensation. Nobody shall ask or demand compensation when the work does not increase the value of the holding. Suppose some cocoanut trees are planted at the time of eviction. The Commissioner goes to the spot and values the improvements. The court will award compensation for the trees but certainly not for fencing or for watering the garden. Sometimes it may be necessary to clear up jungles. This is a work for which compensation has to be paid. The clause should not be left as it is. The Commissioner will say 'that they were works done not in the ordinary course of cultivation or in the ordinary course of husbandary. It is better we fix the criterion on which compensation is to be paid; If improvements enhance the value of the holding substantially then it must be compensated for. I should refer to the ruling in 9 T. L. J. How the value of improvements should be judged is stated there? It is a Judgment of their honours Justices Raman Menon and Palpu Pillai. I think the judgment was written by Justice Raman Menon. While discussing the principle on which the value of improvements should be judged he makes a very elaborate research into the principle of equity. He quotes lengthy passages from Justice Story. It reads thus:—

> "Justice Story 'after great deliberation and research' gave the complainant the relief prayed for in the bill, and, in the absence of any statutory provision on the subject, held the broad doctrine that a *bona fide* purchasor for a valuable consideration, without notice of any defect in his title, who makes improvements and ameliorations upon the estate, has a lien or charge thereon for the increased value which is thereby given to the estate beyond its value without them, and a Court of Enquity will enforce the lien or charge against the true owner, who recovers the estate in a suit at law against the purchaser. Judge Napton observed that it was quite immaterial whether this was done by paying off encumberences, or by making permanent and valuable improvements. In either case the value of the inheritence is increased by the expenditure, and, as already observed, the plainest principle or justice demands that the heir or devisee should repay the money thus innocently expended for his benefit, to the extent that he has been benefited thereby. The opinion of Judge Story in Bright S. Boyd is exceedingly learned and able, and will repay careful perusal and study. He traces the principle which he applied there to the Roman Law and shows that it has been adopted, into the laws of all modern nations which derive their juris-prudence from the Roman Law, and demonstrates by reference to the writtings of Cujacius, Boththeir, Grotius, Bell, Puffendr of, Rutherforth and others, and by arguments which seem conclusive of the question, that such principle has the highest and most persuasive equity, as well as common sense and common justice for its foundation."

[Mr. E. P. Varghese.]

If the improvements effected in the course of cultivation substantially enhance the value of a holding, compensation has to be paid for. It is unfair to refuse compensation and say that those improvements were done in the ordinary course of cultivation. It is easy to influence the Commissioner to report that improvements were done in the ordinary course of cultivation. Let us not leave that point to the caprices of the Commissioner. Let us decide that point here and fix the criterion on which compensation has to be paid. I appeal to the House to support this amendment.

Mr. J. John Kattakayam: ഞാൻ ഈ ഭേദഗതിയെ അനുകൂലിക്കുന്നു. വസ്തുവിനു വിലക്കൂടുതൽ ഉണ്ടാക്കുന്ന ദേഹണ്ഡങ്ങൾക്കു പ്രതിഫലം കൊടുക്കണമെന്ന ഈ ഭേദഗതികൊണ്ടു് ആർക്കും ഒരു തരക്കേടും വരാനില്ല. ജന്മിക്കും കൃഷിക്കാരനും ഈ ഭേദഗതി ഒരുപോലെ സ്വീകാര്യമായിട്ടുള്ള ഒന്നായിരിക്കുമെന്നു ഞാൻ കരുതുന്നു. ആരുകേട്ടാലും ന്യായരഹിതമായ യാതൊന്നും ഇതിലില്ല. അത്ര നിർദ്ദോഷമായ ഒരു ഭേദഗതിയാണു് ഇതു്. ഇതിനോടെങ്കിലും എന്റെ ബഹുമാന്യ സഹോദരന്മാർ അനുകൂലിച്ചാൽ ഞാൻ അതുകൊണ്ടെങ്കിലും കൃതാർത്ഥതപ്പെട്ടുകൊള്ളാം. രാജ്യത്തിന്റെ നട്ടെല്ലായ കർഷകവൃന്ദത്തിനു് അതു വളരെ അനുഗ്രഹപ്രദമായിത്തീരുകയും ചെയ്യും. അതുകൊണ്ടു് എന്റെ മാന്യസ്നേഹിതൻ മി. സി. എം. ജോസഫ് ഇവിടെ അവതരിപ്പിച്ചിരിക്കുന്ന ഈ ഭേദഗതിയെ ഞാൻ പിൻതാങ്ങിക്കൊള്ളുന്നു.

Mr. M. Govindan: I also support the amendment. I congratulate Mr. Joseph on the extreme prudence he has shown in anticipating that all the other amendments would be lost and in bringing forward such an innocent amendment, by way of abundant caution, for the acceptance of the House. He has plainly stated that if the improvements effected do not enhance the value of a holding, compensation need not be paid for. There is, I think, no difficulty in carrying this amendment.

The Council adjourned for lunch at 1 P. M. and re-assembled at 2 P. M. with Mr. K. N. Kesavan Namputiripad, one of the Panel of Chairmen, in the Chair.

REGULATIONS ASSENTED TO BY HIS HIGHNESS THE MAHARAJA.

The Secretary reported that the following Bills which were passed at the present sitting of the House have received the assent of his Highness the Maharaja.

1. The Taravancore Boilers Bill.
2. The Travancore Survey and Boundaries Regulation (Amendment) Bill.
3. The Travancore Income Tax Regulation (Amendment) Bill.
4. The Travancore Co-operative Societies Bill.
5. The Travancore Forest Regulation (Amendment) Bill.
6. The Travancore Bar Council Bill.
7. The Travancore Identification of Prisoners Bill.
8. The Travancore Trade Unions Bill.

Mr. Tariatu Kunjitomman: സർ, മി. ജോസഫ് ഇവിടെ അവതരിപ്പിച്ചിട്ടുള്ള ഭേദഗതിയെ ഞാൻ ബലമായി പിന്താങ്ങുന്നു. വില വർദ്ധിപ്പിക്കുന്നതിനൊ വർദ്ധിക്കുന്നതിനൊ ഇടയാകുന്നതല്ലാത്ത ദേഹണ്ഡങ്ങളെ ഗണിക്കേണ്ടതില്ല; അവയ്ക്കു പ്രതിഫലം കൊടുക്കേണ്ടതില്ല എന്നുവയ്ക്കുന്നതുകൊണ്ടു ജന്മിക്കോ ദേഹണ്ഡിക്കോ ഒരു ദോഷവും വരാനില്ല. എന്നാൽ വില വർദ്ധിപ്പിക്കുന്നതോ വർദ്ധിക്കുന്നതൊആയ ഏതെങ്കിലും ദേഹണ്ഡം വസ്തുവിൽ ചെയ്തിരുന്നാൽ ഈ ബില്ലിൽ ചേർത്തിട്ടുള്ള വിവരണമനുസരിച്ചു വില വർദ്ധിപ്പിക്കുന്നതല്ലെന്നു വരുത്താൻ എളുപ്പമുണ്ട്. ഭൂമിയുടെ വില സാരമായി വർദ്ധിപ്പിക്കുന്നതിനു പര്യാപ്തമല്ലാത്ത വിധത്തിലുള്ള ദേഹണ്ഡങ്ങൾക്കു വിലകൊടുക്കണ്ടാ എന്നുവച്ചാൽ അതുകൊണ്ടു ജന്മിക്ക് ഒരു ദോഷവുമില്ലല്ലോ. അതുപോലെതന്നെ വില വർദ്ധിപ്പിക്കുന്നതിനുതകുന്ന ഒരു ദേഹണ്ഡമാണ് ദേഹണ്ഡക്കാരൻ ചെയ്തതെങ്കിൽ അയാൾക്ക് അതിനു പ്രതിഫലം കിട്ടുകയുംവേണം. ഈ തരത്തിലുള്ള ഒരു ഭേദഗതി സ്വീകരിക്കുന്നതിൽ ആരുംആക്ഷേപം പറയുവാനിടയില്ല. മി. ജോസഫിന്റെ ഭേദഗതി വസ്തു ഉടമസ്ഥനും ദേഹണ്ഡിക്കും ദോഷമില്ലാത്ത ഒന്നാണു. അതിനാൽ നിഷ്പക്ഷബുദ്ധികളായ എല്ലാവരും ഈ ഭേദഗതിയെ അനുകൂലിക്കേണ്ടതാണ്. എന്റെ മാന്യസ്നേഹിതൻ മി. കട്ടക്കയം രണ്ടാംപാരാവിലുള്ള വിവരണംമുഴുവൻ എടുത്തുകളയണമെന്ന് ഒരു ഭേദഗതി കൊണ്ടുവരികയും അതു വോട്ടിനിട്ടപ്പോൾ തള്ളിപ്പോകയും ചെയ്തു. ഇപ്പോഴത്തെ ഭേദഗതി ഈ വിവരണത്തിലുള്ള ദോഷഭാഗങ്ങളെ എല്ലാം നീക്കിക്കളയുന്നതിനുതകുന്ന ഒന്നാണ്. എന്നാൽ വില വർദ്ധിപ്പിക്കുന്നതാണോ അല്ലയോ എന്നുള്ളതിനെപ്പററി ചില തർക്കങ്ങളും ചില ദോഷമായ തീരുമാനങ്ങളും ഉണ്ടായേക്കാം. അതു ക്രമംകൊണ്ടു പരിഹരിക്കാവുന്നതാണ്. അതിനാൽ എന്റെ മാന്യസ്നേഹിതൻ മി. ജോസഫ് ഇവിടെ അവതരിപ്പിച്ചിട്ടുള്ള ഭേദഗതിയെ എല്ലാ മെമ്പർമാരും അനുകൂലിച്ചു വോട്ടു

[Mr. Tariatu Kunjuthomman.]
ചെയ്യണമെന്നുള്ള അഭിപ്രായത്തോടുകൂടി ഞാൻ ഇതിനെ ബലമായി പിൻതാങ്ങിക്കൊള്ളുന്നു.

Chairman : Moved and seconded that in the Clause after (*f*), after "course of cultivation" add "and by which the value of the holding has not been or is not calculated to be increased".

The amendment was put to vote and lost.

Mr. E P. Varghese : I demand a poll.

A poll was taken with the following result :—

AYES—7.

1	Mr.	Syed M. Bava	5	Mr.	Komilezhathu Sankaran
2	,,	M. Govindan	6	,,	Tariatu kunjitomman
3	,,	C. M. Joseph	7	,,	E. P. Varghese
4	,,	John Kattakayam			

NOES—11.

1	Mr.	V. S. Arumukham Pillai	7	Mr.	K. P. Padmanabha Panickar
2	,,	Kochikal P. Balakrishnan Tampi	8	,,	N. K. Padmanabha Pillai
3	,,	K. Madhavan Pillai	9	,,	M. N. Paramesvaran Pillai
4	,,	G. Narayana Aiyar	10	,,	K. Sankaralingam Pillai
5	,,	M. N. Narayana Menon	11	,,	A. N. Visvanatha Pillai
6	,,	K. P. Nilakanta Pillai			

NEUTRALS--9.

1	Mr.	M. Govinda Pillai	7	Mr.	Kayalam Paramesvaran Pillai
2	,,	C Kumara Das	8	,,	S. Piraviperumal Pillai
3	,,	C. O. Madhavan	9	,,	Rao Bahadur A. Rengaswamy Aiyar
4	,,	H. O. L. Marikar			
5	,,	K. R. Narayana Aiyar			
6	,,	K. Paramesvara Panickar			

The amendment was declared lost, 7 voting for the amendment, 11 against and 9 remaining neutrals.

Chairman : Amendment Nos. 35, 36 and 37 are identical. So I would call upon Mr. E. P. Varghese to move his amendment.

Mr. E. P. Varghese ; The explanation reads thus ; "A work executed by a holder is not an 'improvement' if it substantially diminishes the value of any other part of the holding." This is a very important explanation. It takes away all the benefits if

any which has been conferred by the foregoing provisions. We have already restricted the scope of the improvement by its definition and by the proviso. By this explanation even the little that remains goes off and I think the poor tenant who has invested all his labour and capital on the land will not care to cultivate the land under the conditions imposed if this explanation is allowed to remain. It says "a work executed by a holder is not an improvement if it substantially diminishes the value of any other part of the holding." Suppose the holding is 100 cents and he has improved 90 cents. But in improving the 90 cents suppose the value of the remaining 10 cents has been diminished holding though as a whole it has increased the value of the holding. In that case the explanation would deny any compensation. It is a very hard measure and it is very unreasonable to ask the tenant to undergo all these restrictions before he has to receive some compensation for the valuable labour that he has bestowed in improving a waste land

Mr. K. P. Nilakanta Pillai: Will the member be pleased to give an illustration?

Mr. E. P. Varghese: I have explained it already. Suppose he builds a house by quarrying stones from another part. The place from which the stones have been quarried may be useless. By putting up the building he might have increased the value of the holding. By this section he will not be entitled to claim any compensation for that building.

Mr. K. P. Nilakanta Pillai: Is the clause capable of that interpretation?

Mr. E. P. Varghese: I think the honourable member can read it.

Mr. M N. Paramesvaran Pillai: May I point out to the member that the wording is "substantially diminishes"?

Mr. E. P. Varghese: Suppose the 25 per cent. of the improvement is useless. But as a whole it might have increased the value of the holding. If the land was worth 100 rupees, where the building was put up it may be worth Rs. 1,000. The mere fact that a portion of it has become useless must not be taken into account. The tenants must be paid for their labour. This explanation is capable of that interpretation. I do not think that it requires any legal knowledge or authority to understand it.

Mr. K. P. Nilakanta Pillai: Under the present clause is he entitled to get the value of the building?

Mr. E. P. Varghese: Provided it is an improvement; otherwise, he is not.

Mr. K. P. Nilakanta Pillai: Is it the view of the member that the explanation will override the meaning of the whole clause?

Mr. E. P. Varghese: It will depend upon the wording of the explanation. The explanation says "A work executed by a holder is not an 'improvement' if it substantially diminishes the value of any other part of the holding.

Mr. K. P. Nilakanta Pillai: Is that explanation capable of interpretation independant of all other sub-clauses?

Mr. E. P. Varghese: It has to be interpreted not independently. But then look at the explanation as it is worded. Is there any doubt that it affects all other clauses? The work is not an improvement if it substantially diminishes the value of any other part of the holding. That is what the explanation says.

Mr. M. Govindan: Is not the Section to be interpreted in view of the explanation?

Mr. E. P. Varghese: Yes, that is what I say. It all depends upon the wording of the explanation. It makes no exception. It affects the whole section. Just look at the explanation of the word improvement. "Improvement means any work including its product which is suitable to the holding and consistent with the conditions on which it is based." So there is no doubt that it affects the whole section and that it is a very restrictive one. We have made so many restrictions in the definition of that word. After all that comes this explanation. So if we want that the tenants should be benefited we must not allow this explanation to remain on the Statute Book.

Mr. M. Govindan: As indicated by my friend Mr. Varughese, this explanation is the unkindest cut of all. A work executed by a holder is not an improvement if it substantially diminishes the value of any *other* part of the holding. I would call the attention of members like Mr. K. P. Nilakanta Pillai to the portion of the explanation "value of any *other* part of the holding". "Any *other* part of the holding" would mean any other part *however small.* Even if it is one cent out of 100 acres, if that one cent has diminished in value, it has substantiallay diminished the value of any part of the whole holding.

Mr. M. N. Paramesvaran Pillai: May I draw the member's attention to the expression 'substantially' occurring in the clause.

Mr. M. Govindan: "Substantially" relates to that small part, and not to the whole. I am surprised that Mr. M. N. Parameswaran Pillai, for whose legal attainments I have got the greatest

respect, should exhibit colossal ignorance by mistaking that 'substantial' would relate to the whole property. What is contained in the explanation is "substantially diminishes the value of any *other* part of the holding". Is there a more unkind explanation which takes away the right of improving? A small tank may be dug in a corner of the property. Although it may increase the value of the whole holding, it may diminish the value of a small portion of the holding. Mr. K. P. Nilakanta Pillai is labouring under the impression that the explanation counts nothing and that the section will over-ride the explanation. That is a novel way to interpret provisions. When there is a section in general terms with a specific explanation added at the end, is that explanation to be treated as nothing, to be over-ridden by the general provision? That is an erroneous way of interpreting law.

May I ask how this explanation has crept in? It may be of some interest to the members to know that. There is the old Jenmi Kudiyan Regulation from which my friend Mr. Ramakrishna Pillai has borrowed the expression. In doing so, he has not consulted the Malabar Tenants Improvement Act or any other act which has embodied many more amendments.

Mr. N. Ramakrishna Pillai: Why is the member partial to the Malabar Act?

Mr. M. Govindan: Because it is more modern.

Mr. N. Ramakrishna Pillai Is the member aware that it is copied from our Jenmi Kudiyan Regulation?

Mr. M. Govindan: I am surprised to hear this from the member who admitted yesterday that we copied our bill from the Punjab Act.

Mr. N. Ramakrishna Pillai: Is the member aware that we have made several improvements on that Regulation?

Mr. M. Govindan: If we did so that was done by some gentleman of the older generation, like the late Mr. Thanu Pillai, to suit his times. But much water has flowed under the bridge since then.

Mr. N. Ramakrishna Pillai: Is the member thinking that that Regulation can be improved upon?

Mr. M. Govindan: Yes.

Mr. K. P. Nilakanta Pillai: Is it the opinion of the member that the Malabar Act is the best available Act controlling the relations between the tenants and proprietors?

Mr. M. Govindan: No, certainly not. I would throw overboard all the provisions. I fear there is no piece of legislation like this. Let us have a copy of the whole of the Malabar Act or nothing of it.

Chairman : We are not now at the Jenmi Kudiyan Regulation.

Mr. N. Ramakrishna Pillai : May I know whether the member is aware that the compensation provided for in the Malabar Tenancy Bill is on a basis entirely different from what is obtaining in Travancore ?

Mr. M. Govindan : Very good. Then let us not speak of Malabar. Moreover, the Chairman has ruled it out of order. What I say is that the Jenmi and Kudiyan Regulation referred to is only an old defunct piece of legislation not suited to the times.

Now with regard to the provision that "a work executed by a labourer is not an improvement if it diminishes the value of any portion of the land". This refers to the old Jenmi Kudiyan Regulation. I would draw the attention of the House to the fact that according to that Jenmi Kudiyan Regulation, property was not usually redeemable. It made the tenancy permanent. In such a case, the question of improvement was not very material.

Mr. N. Ramakrishna Pillai : May I ask whether the provision for improvement, was made to meet the contingency of eviction ?

Mr. M. Govindan : My friend is mistaking today for yesterday. I was told yesterday by my friend that it was in cases of eviction that the question of improvement arose. Today it is under a different condition altogether.

Mr. K. P. Nilakanta Pillai : I hope we will be at the same clause tomorrow also, we have been at it yesterday ; we are at it today.

Mr. M. Govindan : We are not on the same explanation but we are at a different topic altogether.

Mr. N. Ramakrishna Pillai : Is the Member not of opinion that we are proceeding with the same clause ?

Mr. M. Govindan : Under the same clause there are different topics and different subjects. Here there is an explanation of a particular improvement. It is stated in the provision that the work executed by a holder is not an improvement if it affects any part of the holding. Can common sense sanction such an iniquitous piece of legislation ? Suppose the work executed in order to improve a piece of land creates a small pit in the land. Will that small pit disentitle the holder to the value of the improvement ?

Mr. K. P. Nilakanta Pillai: Is it the view of the member that the explanation is capable of such a crude interpretation ?

Mr. M. Govindan : This is the only grammatical interpretation that could possibly be made. I may say also that I have not taken any brief for any special set of people, occupants or owners.

Mr. K. P. Nilakanta Pillai: Hear, hear.

Mr. M. Govindan: The provision is unjust. Is it possible to have any other interpretation than this?

Mr. N. Ramakrishna Pillai: May I know why the member ignores the word "substantially"?

Mr. M. Govindan: Evidently, my friend is not listening to me. I have already pointed out in reply to Mr. M. N. Parames-varan Pillai's question that "substantially" has reference to "any *other* part of the holding". If you have patience enough to go through every provision you will see error everywhere.

Mr. K. P. Nilakanta Pillai: Is it a surprise that we are parting with the listening mood? (*Laughter.*)

Mr. M. Govindan: I do not understand my friend. He is rhetorical.

So, the only commonsense interpretation is the one which I have placed before the House. This House is full of intelligent lawyers capable of understanding and interpretating the provisions. Let them decide. With these words, I appeal to the House that my amendment may be accepted.

Mr. Tariatu Kunjitomman: സർ, വസ്തു കൈവശക്കാരൻ നടത്തുന്ന ഒരു പണി ആ വസ്തുവിന്റെ മറേറതെങ്കിലും ഭാഗത്തിന്റെ വിലയെ സാരമായി കുറയ്ക്കുന്നപക്ഷം ആ പണി ദേഹണ്ഡമാകുന്നതല്ല എന്നുള്ള രണ്ടാംവിവരണം എടുത്തുകളയണമെന്നുള്ള എന്റെ സ്നേഹിതന്റെ ഭേദഗതിയെ ഞാൻ അനുകൂലിക്കുന്നു. നിലം, പുരയിടങ്ങളിലെ കൃഷിയേയും ദേഹണ്ഡങ്ങളേയും പററി ഒരു സാമാന്യജ്ഞാനമുള്ള ഏതൊരാൾക്കും ഈ വകുപ്പിന്റെ അനീതി വ്യക്തമായി കാണാവുന്നതാണ്. ഒരേക്കർ വിസ്തീർണ്ണമുള്ള കായലോരത്തുള്ള ഭൂമി ദേഹണ്ഡിക്കുന്നു എന്നു വിചാരിക്കുക. ആ ഭൂമി തെങ്ങുവെയ്ക്കാൻ കഴിവില്ലാത്തവിധത്തിൽ താണുകിടക്കുകയാണ്. ആ ഭൂമിയിൽ ഒരു ചെറിയ ഭാഗം കുഴിച്ചു മണ്ണെടുത്തു ശേഷം ഭാഗങ്ങൾ നികത്തി തെങ്ങിൻതൈ നട്ടുപിടിപ്പിക്കുന്നു. ഒരു പത്തോ ഇരുപതോ കൊല്ലം കഴിയുമ്പോൾ ആ ഭൂമിയുടെ വില ഇരുപതോ മുപ്പതോ മടങ്ങായി വർദ്ധിക്കുന്നു. എന്നാൽ ഈ താണസ്ഥലം നികത്താൻ മണ്ണെടുത്ത സ്ഥലം കുഴിയായിട്ടു തന്നെ കിടക്കും.

Mr. K. P. Nilakanta Pillai: അപ്പോൾ ഭൂമിയുടെ വില സാരമായി വർദ്ധിച്ചോ കുറഞ്ഞോ?

Mr. Tariatu Kunjitomman: സാരമായി വർദ്ധിച്ചു, എന്നാൽ ഒരു ഭാഗത്തിനു വില കുറഞ്ഞുപോയി. ഒരു ചെറിയഭാഗം വി-

ലകുറഞ്ഞാലും മതിയല്ലോ ദേഹണ്ഡം കൊടുക്കാതിരിക്കാൻ. ഒരു ദേഹണ്ഡി പ്രയത്നിച്ചുണ്ടാക്കുന്ന ദേഹണ്ഡങ്ങൾക്കു പ്രതിഫലം വസ്തുവിന്റെ ഏതെങ്കിലും ഒരുഭാഗത്തിനു വില കുറഞ്ഞുപോയാൽ കൊടുക്കണ്ടാ എന്നു ഒരു നിയമം സൃഷ്ടിക്കുന്നതു് എന്തൊരനീതിയാണു്. വേറൊരു ദൃഷ്ടാന്തം എടുക്കുക. പുരയിടത്തിൽ ഒരു ചെറിയ കുഴി എടുത്തു കല്ലുവെട്ടി ഉണ്ടാക്കിയ ഒരു നല്ല കെട്ടിടം വസ്തുവിന്റെ വിലയെ വർദ്ധിപ്പിക്കുമെന്നുള്ളതു നിരാക്ഷേപമാണു്. വസ്തുവിന്റെ വില വർദ്ധിപ്പിക്കുന്നതിനുള്ള കെട്ടിടം വയ്ക്കുന്നതിനാണു് ഈ കുഴിവെട്ടി എടുത്തതു് എന്നുള്ള കഥവിസ്മരിച്ചു് അതുനിമിത്തം വസ്തുവിന്റെ ഒരു ഭാഗത്തിനു വില കുറഞ്ഞുപോയി എന്നുപറഞ്ഞു ദേഹണ്ഡക്കാരനു ഒന്നും കൊടുക്കാതിരിക്കുന്നതിനു സഹായിക്കുന്നതാണു് ഈ നിയമത്തിലെ പ്രസ്തുതവകുപ്പു്. അതിനാൽ ഈ വിധത്തിൽ പാസ്സാക്കുന്ന ദേഹണ്ഡികളെ തുടർന്നു വേദനിപ്പിച്ചുകൊണ്ടിരിക്കുന്ന ഒരു നിയമം നമ്മുടെ സഭക്കു ഒരു തീരാകളങ്കമായിരിക്കും. അതു നീതിക്കും ന്യായത്തിനും യോജിച്ചതുമല്ല കർഷകവൃന്ദങ്ങളുടെ ഒരു രാജ്യത്തു് ഇങ്ങനെ ഒരു നിയമമുണ്ടായിരിക്കയെന്നുള്ളതു ഭൂഷണവുമല്ല. നിയമം തെറ്റാണെന്നു ബോധ്യമിരുന്നാലും നിയമജ്ഞന്മാരായ ന്യായാധിപന്മാർക്കു നിയമമനുസരിച്ചല്ലാതെ പ്രവൃത്തിക്കാൻ നിവൃത്തിയില്ലല്ലോ. കായലോരങ്ങളിലുള്ള ഭൂമികൾ ഉയർത്തുന്നതിനു ദൂരദിക്കുകളിൽനിന്നും മണ്ണു കൊണ്ടുവരികയെന്നുള്ളതു് ക്ഷിപ്രസാധ്യമാണോ? അതിനാൽ ആ ഭൂമിയിൽനിന്നുംതന്നെ ഒരു ഭാഗം കുഴിച്ചു മണ്ണെടുക്കേണ്ടിവരും. ഇങ്ങനെ എത്രയോ സ്വാവുകൾ തന്നെ ദേഹണ്ഡികൾ ഉയർത്തിട്ടുണ്ടു്. പുഴവക്കത്തുള്ള ഭൂമികളിൽ പുഴയിൽനിന്നും വെള്ളം കയറി ദോഷം വരാതിരിക്കാനായി അവിടെ നിന്നുംതന്നെ മണ്ണെടുത്തു വരമ്പുകെട്ടി ഉയർത്തേണ്ടതായി വന്നേയ്ക്കും. അതു ഭൂമിയുടെ വിലയെ സാരമായി കുറക്കുന്നതാണെന്നു പറഞ്ഞാൽ എന്താണു ചെയ്യുക. ഇതിനേക്കാൾ കഷ്ടമായ ഒരവസ്ഥ ദേഹണ്ഡിക്കു വരുവാനുണ്ടോ. ഉത്തമവിശ്വാസത്തോടുകൂടി ആദായമുണ്ടാക്കുന്നതിനായി ചെയ്യുന്ന പ്രവൃത്തികൾ ദുരുദ്ദേശത്തോടുകൂടിയാണെന്നു നിയമദൃഷ്ട്യാ വരുത്തുന്നതു് കഷ്ടാൽ കഷ്ടതരമായിരിക്കും. അതിനാൽ ഈ വകുപ്പിനെ ഉടനടി ഈ നിയമത്തിൽനിന്നും നിഷ്കാസനം ചെയ്യേണ്ടതാണു്. മററു പല വകുപ്പുകളും ദോഷമായ രീതിയിലാണു കാണുന്നതു്. ഏതായാലും പ്രത്യക്ഷത്തിൽ തന്നെ ഈ വകുപ്പു ദോഷകരമാണെന്നു കാണുകയാൽ ഇതിനെ എടുത്തുകളയണമെന്നഭ്യർത്ഥിച്ചുകൊണ്ടു ഞാൻ ഈ ഭേദഗതിയെ പിൻതാങ്ങിക്കൊള്ളുന്നു.

Mr. Kayalam Paramesvaran Pillai: Sir, I rise to speak a few words on this amendment but not to support or to oppose the amendment. The official members have decided, as the House knows, to remain neutral in the debates on this Bill. But let me say that it appears to me that there is some misconception on which the debate on this amendment is proceeding. Some honourable members said that if a building be put up on a land with laterite cut from another part of the land, such building will not be treated under this clause as an improvement, on the ground that it diminishes the value of a part of the holding. On this, I want to point out that it is not the building, *i. e.*, the work postulated as the improvement that diminishes the value. What diminishes the value is the cutting of the laterite. The idea involved in the clause is that when a work diminishes the value of a holding, that identical work should not be claimed as an improvement.

Mr. M. Govindan: May I know whether if that identical work diminishes the value of only a small fraction of the holding it will be treated as an improvement?

Mr. Kayalam Paramesvaran Pillai: Not, if that specific work, which is postulated as the improvement, diminishes the value of the holding.

Mr. M. Govindan: Even if it diminishes the value of only a one-hundredth part of the holding?

Mr Kayalam Paramesvaran Pillai: I am only trying to point out the real meaning of the clause. This can be seen from a grammatical construction of the words. What is the subject of the verb 'diminishes' in the clause. The subject is "it" and it stands for 'A work' and not for 'improvement'.

Mr. E. P. Varghese: It diminishes the value of only a part... ...

Mr. M. Govindan: Sir, I have put a question and the answer is not forthcoming. I wanted to know whether even if that work has substantially diminished the value of a small fraction of the holding, it would be paid for.

Mr. Kayalam Paramesvaran Pillai: I will not answer that question. I rose merely to explain the real implications of the clause and the apparent misconception arises from the fact that they do not note the subject of the verb 'diminishes'. What the clause says is that the work executed by a holder is not an improvement if it substantially diminishes the value of any other part of the holding. In the illustration mentioned above, it is the building that is treated as an improvement, but what diminishes the value of the holding is not the building but the cutting of the laterite. To say that the implication of the clause is that when a building is put up......

Mr. E. P. Varghese: Is it not capable of mis-interpretation?

Mr. Kayalam Paramesvaran Pillai: Not, if we construe it grammatically and reasonably.

The House may accept the amendment or not accept it. I merely wish that the discussion should proceed on a proper reading and understanding of the clause.

Mr. J. John Kattakayam: സർ, അടുത്ത അമൻറുമെൻറ എൻെറതാണ്. ഇപ്പോൾ വാദപ്രതിവാദത്തിലിരിക്കുന്ന അമൻറുമെൻറും എൻെറ അമൻറും ഒന്നായതുകൊണ്ട് അതു പ്രത്യേകമായി അവതരിപ്പിച്ചു ഈ സഭയുടെ വിലയേറിയ സമയത്തെ കളയാതെ ഇപ്പോൾതന്നെ എനിക്കിതിനെപ്പററി പറയുവാനുള്ളതു പറയാമെന്നു വിചാരിക്കുന്നു.

എൻെറ മാന്യ സ്നേഹിതൻ മി. കുഞ്ഞിത്തൊമ്മൻ, മി. ഇ. പി. വറുഗീസ് അവതരിപ്പിച്ച ഭേദഗതിയെ അനുകൂലിച്ചു സംസാരിച്ചു അദ്ദേഹം വളരെ വിസ്തരിച്ചു പറഞ്ഞതുകൊണ്ട് എൻെറ പ്രസംഗം അധികം ദീർഘിപ്പിക്കണമെന്നു വിചാരിക്കുന്നില്ല. ഒരു വസ്തുവിൻെറ വിലയെ സാരമായി സ്പർശിക്കുന്ന ഒരു വകുപ്പ് ആണ് ഇതു്. അതുകൊണ്ടാണ് ഇത്ര വലിയ രൂക്ഷമായ ആക്ഷേപങ്ങൾക്ക് ഇതു് വിധേയമായിത്തീർന്നിട്ടുള്ളതു്. നിയമത്തിൽ കാണുന്ന അവ്യക്തത അനാവശ്യമായ വ്യവഹാരങ്ങൾക്കു കാരണമായിരിക്കും. ഇതുവരെ പാസാക്കീട്ടുള്ള വകുപ്പുകളിൽ അടങ്ങിയിട്ടുള്ളതിനേക്കാൾ ഏററവും ഗൗരവമായ ഒരു വലിയ ബോമ്പാണ് ഈ വകുപ്പിനകത്തു്, ഇതിൻെറ അവതാരകൻ നിക്ഷേപിച്ചിട്ടുള്ളതു് എന്ന് അനുമാനിക്കുന്നതിൽ അബദ്ധം ഒന്നുമില്ല. ഒരു വസ്തുവിൻെറ വില സാരമായോ നിസ്സാരമായോ കുറഞ്ഞു എന്നു നിർണ്ണയിക്കുക എന്നുള്ള സംഗതി വളരെ വിഷമമായ ഒന്നാണ്. ഒരുത്തൻെറ ദൃഷ്ടിയിൽ 'സാരമായി' തോന്നുന്നതു് അപരൻെറ ദൃഷ്ടിയിൽ 'നിസ്സാര'മായും അതുപോലെ അപരൻെറ ദൃഷ്ടിയിൽ സാരമായി തോന്നുന്നതു് മറെറാരുത്തൻെറ ദൃഷ്ടിയിൽ നിസ്സാരമായും തോന്നുക എന്നതു സാധാരണമാണ്. ഈ വകുപ്പു കോടതികളിൽ വക്കീലന്മാരുടേയും ന്യായാധിപന്മാരുടേയും വ്യാഖ്യാനത്തിനു വിധേയമാകുമ്പോൾ ഈ വകുപ്പിൻെറ അവ്യക്തതനിമിത്തം അനേകം വഴക്കുകൾക്കും ദുർവ്യവഹാരങ്ങൾക്കും കാരണമായിത്തീരുകയും, തന്നിമിത്തം ദേഹണ്ഡക്കാർക്കു വലിയ നഷ്ടത്തിനും, ഒടുവിൽ അവർ കണ്ണീരും കയ്യുമായി പെരുവഴിയാധാരമായി പോകുന്നതിനും പര്യാപ്തമായ വിധത്തിലാണ് ഈ ബില്ലിൻെറ

അവതാരകൻ പ്രസ്തുതവകുപ്പ് ഇവിടെ ചേർത്തിട്ടുള്ളതു് എന്നു് നിസ്സംശയം പ്രസ്താവിക്കുന്നതാണ്. കെട്ടിടത്തിനു കല്ലുവെട്ടുന്നതിനു് വസ്തുവിന്റെ ഒരു ഭാഗത്തു് കുഴിക്കുന്നതുകൊണ്ടു വസ്തുവിന്റെ വില കുറഞ്ഞുപോയതായി വ്യാഖ്യാനിച്ചു ദേഹണ്ഡം കൊടുക്കാതിരിക്കാൻവേണ്ടിയാണ് ഈ വകുപ്പ് ചേർത്തിട്ടുള്ളതെന്നു എന്റെ മാന്യസ്നേഹിതൻ മി: കുഞ്ഞിത്തൊമ്മൻ പറഞ്ഞപ്പോൾ നിയമപാരാവാരപാരംഗതനായ ലാമെമ്പർ മി: പരമേശ്വരൻപിള്ള അതിനെ എതിർത്തു്, കെട്ടിടത്തിനു കല്ലുവെട്ടുന്നതിന് വസ്തുവിന്റെ ഒരു ഭാഗം കുഴിക്കുന്നുണ്ടെങ്കിലും കെട്ടിടം വസ്തുവിന്റെ വിലയെ വർദ്ധിപ്പിക്കുമെന്നുള്ളതുകൊണ്ട് അതിനു ദേഹണ്ഡവില കിട്ടുന്നതാണ് എന്നു പ്രസ്താവിച്ചു. എന്നാൽ, ഇതിനേക്കാൾ ദോഷകരമായ മറ്റൊരു വകുപ്പിലേക്കു ലാമെമ്പരുടെ ശ്രദ്ധയെ ക്ഷണിച്ചുകൊള്ളട്ടെ. അതായതു് വസ്തുവിൽ ചെയ്യുന്ന പണി ഉത്തരോത്തരം അഭിവൃദ്ധിപ്പെട്ടുകൊണ്ടിരുന്നാൽ മാത്രമേ ദേഹണ്ഡം കിട്ടുകയുള്ളു എന്നുള്ള വകുപ്പാണ്. ഒരു കെട്ടിടം എങ്ങിനെയാണ് അഭിവൃദ്ധിപ്പെടുന്നതെന്ന് എനിക്കു മനസ്സിലാകുന്നില്ല. കെട്ടിടം എന്നും പുത്തനായിത്തന്നെ ഇരിക്കണം എന്നുള്ളതാണോ അതിന്റെ അർത്ഥം? ഈ കണക്കിനു കെട്ടിടം പഴകിയതാണെങ്കിൽ വില കിട്ടുകയില്ല. ഒരു പക്ഷേ ഇഞ്ചിനീയർ ഡിപ്പാർട്ടുമെന്റിൽ നിന്നും നിർമ്മിക്കുന്ന കെട്ടിടങ്ങൾ കുറെക്കഴിയുമ്പോൾ നാശപ്പെട്ടു ജീർണ്ണോദ്ധാരണം വേണ്ടിവന്നേക്കാം. എന്നാൽ ഒരു കുടിയാനവൻ കെട്ടിടം നിർമ്മിക്കുന്നതു അവനും അവന്റെ കുഞ്ഞുകുട്ടി പരാധീനങ്ങൾക്കും അനുഭവിക്കണമെന്നുള്ള ഉത്തമവിശ്വാസത്തോടുകൂടിയാണ്. അതിനാൽ കുടിയാനവൻ കെട്ടുന്ന കെട്ടിടം ഒരിക്കലും മോശമായിരിക്കയില്ല. നിലത്തിനെ പുരയിടമാക്കുകനിമിത്തം വസ്തുവിനു വില വർദ്ധിച്ചാൽ ജന്മിക്കു ആക്ഷേപമില്ല. ഒരു കൃഷിക്കാരൻ ആദായം കൂടുതൽ കിട്ടുമെന്നുള്ള ഉത്തമവിശ്വാസത്തോടുകൂടി നിലത്തെ പുരയിടമാക്കുന്നു. അപ്പോഴേക്കും യാദൃച്ഛികമായി ഉൽപ്പന്നങ്ങൾക്കു വില കുറയുകയും നിലത്തിനു വില കൂടുകയും ചെയ്താൽ കൃഷിക്കാരന്റെ നില എന്താണ്. പുതിയ രീതിയിലുള്ള കൃഷിയെത്തന്നെ എടുക്കാം. റബ്ബറിനു നല്ല വിലയുണ്ടായിരുന്ന കാലത്തു റബ്ബർ വച്ചുപിടിപ്പിച്ചു. അതുകഴിഞ്ഞിട്ടു ദൈവഗത്യാ റബ്ബറിനു വിലകുറഞ്ഞു. അപ്പോൾ ദേഹണ്ഡക്കാരൻ റബ്ബർ നട്ടുപിടിപ്പിച്ചതുനിമിത്തം വസ്തുവിനു വില കുറഞ്ഞുപോയി എന്നുള്ള കാരണത്താൽ അയാളുടെ മററു ദേഹണ്ഡങ്ങൾക്കും വില കിട്ടാതെയാകും. ഈ വിലക്കുറവിനു കൃഷിക്കാരൻ ഉത്തരവാദിയാണോ? ഒരിക്കലുമല്ല. വാസ്തവത്തിൽ ആദായം എടുത്തു കാല

[Mr. J. John Kattakayam.]

യാപനം ചെയ്യാനാണു ദേഹണ്ഡിക്കുന്നതു്. സാധാരണ മാനം മര്യാദയുള്ളവർ അന്യരുടെ പുരയിടങ്ങളെ അഭയംപ്രാപിക്കാറില്ല.

Mr. N. Ramakrishna Pillai: അപ്പോൾ അന്യരുടെ വസ്തു കൈവശം കിട്ടിയാൽ അതിൽ എന്തും ചെയ്യാമെന്നാണോ മെമ്പറുടെ അഭിപ്രായം?

Mr. J. John Kattakayam: ചില വസ്തു ഉടമസ്ഥനും കൃഷിക്കാരനും തമ്മിൽ ചില ഉടമ്പടികൾ കാണും. അങ്ങിനെ ഉടമ്പടിയുള്ളപ്പോൾ അതനുസരിച്ചേ സാധാരണ പ്രവൃത്തിക്കാറുള്ളു. ആദായം വർദ്ധിക്കത്തക്കവിധത്തിലല്ലാതെ മററുതരത്തിലുള്ള ദേഹണ്ഡങ്ങളൊന്നുംതന്നെ ഒരു കൃഷിക്കാരൻ ചെയ്യുകയില്ല.

Mr. M. Govindan: "എന്തും ചെയ്യാം മഹതാം" എന്നില്ലേ?

Mr. J. John Kattakayam: അതുണ്ടു്. വലിയ ധനാഢ്യന്മാരാണെങ്കിൽ കൊലപാതകംപോലും ചെയ്യാം. കുബേരന്മാർ കൊലപാതകം ചെയ്താൽ അവരുടെ ധനത്തിന്റെ ശക്തികൊണ്ടു അവരുടെ മേൽ കേസുകളൊന്നും ഉണ്ടാവുകയില്ല. "പണത്തിന്റെമീതെ പരുന്തും പറക്കുമൊ" എന്നുണ്ടല്ലോ. അതുകൊണ്ടു് ധനാഢ്യന്മാൎക്കു എന്തും ആകാം.

മനുഷ്യർ സ്വാതന്ത്ര്യത്തെ കാംക്ഷിക്കുന്നവരും അതിനുവേണ്ടി എന്തും പ്രവർത്തിക്കുന്നവരുമാണു. ദേഹണ്ഡികളുടെ സ്വാതന്ത്ര്യത്തെ നശിപ്പിക്കണമെന്നാണു് എന്റെ മാന്യസ്നേഹിതൻ പറയുന്നതെങ്കിൽ അതിനോടു യോജിക്കാൻ സമസൃഷ്ടി സ്നേഹമുള്ള ആരുംതന്നെ കാണുകയില്ല.

Mr. M. P. Madavan Pillai: ജന്മിക്കു ഭൂമിയിൽ എന്തെങ്കിലും അവകാശമുണ്ടോ?

Mr. J. John Kattakayam: ജന്മിക്കു ഭൂമിയുടെ ഉടമസ്ഥാവകാശമുണ്ടല്ലോ.

Mr. M. P. Madhavan Pillai: മെമ്പർ കുടിയാനവനു അവൻചെയ്ത ദേഹണ്ഡത്തിനു ഒന്നും കിട്ടാതെ കണ്ണീരും കയ്യുമായി ഇറങ്ങിപ്പോകേണ്ടിവരുമെന്നു പറഞ്ഞു. ഇപ്പോൾ ജന്മിക്കു വല്ലതും കിട്ടുന്നുണ്ടോ?

Mr. J. John Kattakayam: ജന്മി കൃഷിക്കാരന്റെ വിയർപ്പിന്റെ ഫലം അനുഭവിച്ചു തടിച്ചുകൊഴുത്തു അലസതാവിലസനായി കഴിഞ്ഞുകൂടുകയാണു്.

Mr. M. P. Madavan Pillai : കൃഷിക്കാരനിൽനിന്നും ഒരു വിധത്തിലും ജന്മിക്കു വസ്തു ഒഴിപ്പിക്കാൻ നിവൃത്തിയില്ലാത്തവിധത്തിലാണു തിരുവിതാംകൂറിലെ നിയമം എന്നു മെമ്പർക്കറിയാമോ?

Mr. J. John Kattakayam : ഒരിക്കലുമല്ല. 'ന്യായമായി കിട്ടാനുള്ളതു കിട്ടിയാൽ മതി, ഞാൻ ഇറങ്ങി പൊയ്ക്കൊള്ളാം എന്റെ അങ്ങുന്നേ, എന്റെ എജമാനേ, എന്റെ ഉടയതമ്പുരാനേ' എന്നാണവൻ പറയുന്നതു്. (ചിരി)

Mr. M. P. Madhavan Pillai : കോടതികളിലെ കണക്ക് മെമ്പറിനെ ബോദ്ധ്യപ്പെടുത്തിത്തന്നാൽ ഈ അഭിപ്രായം തെറ്റാണെന്നു സമ്മതിക്കാമോ?

Mr. J. John Kattakayam : കോടതികളിലെ കണക്ക് ചെക്ക്ചെയ്യാനുള്ള അധികാരം ബഹുമാനപ്പെട്ട മെമ്പർ എനിക്കുതന്നാൽ ഈ ഉദ്യോഗസ്ഥന്മാർ സമ്മതിക്കുമോ? (ചിരി) അങ്ങിനെ ഒരധികാരം മെമ്പർ എനിക്കു വാങ്ങിച്ചുതന്നാൽ കോടതികളിലെ കണക്കുകൾ ചെക്കുചെയ്യാൻ എനിക്കു സന്തോഷമുണ്ട്. (ചിരി)

ദേഹണ്ഡം സാരമോ നിസ്സാരമോ എന്നു നിർണ്ണയിക്കുന്നതിനെപ്പറ്റിയുള്ള വകുപ്പ് അവ്യക്തമായിരിക്കുന്നതുകൊണ്ട് ഈ ഭാഗം എടുത്തുകളഞ്ഞില്ലെങ്കിൽ അതു് കൃഷിക്കാരന്റെ നാശത്തിനു കാരണമായിത്തീരും. കൃഷിക്കാരന്റെ സ്വാതന്ത്ര്യം വളരെ കുറവാണെന്നു ഞാൻ പറഞ്ഞു. പണ്ട് ഇവിടെ അധികവും "ഉഴുതുണ്ടു വാഴ്‌വോർ" ആയിരുന്നു. ഇപ്പോൾ തൊഴുതുണ്ടു 'വാഴ്‌വോരാ'ണധികം. ആദ്യം പറഞ്ഞകൂട്ടരായിരുന്നു ഇവിടെ അധികമെങ്കിൽ ഈ തരത്തിലുള്ള ഒരു ബില്ലിവിടെ വരികയില്ലായിരുന്നു. ക്ലിപ്തമായ ഒരു തോതില്ലാതെ ഓരോ മനുഷ്യരുടെ മനോധർമ്മത്തെയും ഊഹങ്ങളേയും അടിസ്ഥാനമാക്കി നിയമനിർമ്മാണം ചെയ്താൽ അതു ദോഷകരമായിരിക്കും.

വസ്തുവിന്റെ ഏതെങ്കിലും ഒരു ഭാഗത്തിനു വില കുറക്കുന്ന ദേഹണ്ഡമാണ് ചെയ്തിരുന്നതെങ്കിൽ അതൊരു ദേഹണ്ഡമാവുകയില്ലെന്നാണ് പറയുന്നതു്. ഇതു ശരിയായ ഒരു തത്വമല്ല. കുരുമുളകിനു തുലാത്തിനു വമ്പ ഡിമാൻഡ് ഉണ്ടായിരുന്നു. മരതകമണി തോല്ക്കും കുരുമുളകിനാൽ ധനം പെരുതായി സമ്പാദിച്ച വിരുതന്മാരായ തിരുവിതാംകൂറിലെ കർഷകതനി ഇപ്പോൾ ഉല്പന്നങ്ങളുടെ വില കുറവിനാൽ ദാരിദ്ര്യദേവതയുടെ കരാള ദംഷ്ട്രങ്ങൾക്കധീനരായിതീർന്നിരിക്കുന്നു നല്ലവേല ചെയ്തു സമ്പാദിച്ചവരാണ ഉത്തരതിരുവിതാംകൂറിലെ അധികം ആളു

[Mr. J. John Kattakayam]

കളം. ഇന്നു കുരുമുളകിനു നൂറുപാ മാത്രമേയുള്ളു. ഇന്നു കുരുമുളകിനു സാരമായ വിലക്കുറവു വന്നതുകൊണ്ടു വസ്തുവിനു വില കുറഞ്ഞുപോയി. വസ്തുവിനെ നാശപ്പെടുത്തി കളഞ്ഞു എന്നു പറഞ്ഞുകൊണ്ടു ഒരു ജന്മിക്കു വ്യവഹാരം കൊടുക്കുന്നതിനു ഈ വകുപ്പു തികച്ചും പര്യാപ്തമാണ്. ഇങ്ങനെ ഒരു നിയമം നിർമ്മിക്കുന്നതു നമുക്കൊട്ടും അഭിമാനകരമല്ല. ഞാൻ മുമ്പു പറഞ്ഞതുപോലെ വസ്തുവിൽ കൃഷിചെയ്യുവാനുള്ള കൃഷിക്കാരന്റെ സ്വാതന്ത്ര്യത്തെ ഒരിക്കലും തടയരുത്. ജന്മികൾ ധാരാളം വസ്തുക്കൾ കാണും. കുടിയാനവന് ഒരു സ്ഥലംമാത്രമെ കാണുകയുള്ളു; അധികം സ്ഥലങ്ങളുള്ള ദേഹണ്ഡക്കാരെ എനിക്കറിഞ്ഞുകൂടാ. അതായതു ഒരു ൧൦ ഏക്കറിൽ കൂടുതലായ സ്ഥലം കൃഷിചെയ്യുന്ന ഒരു ദേഹണ്ഡക്കാരനുമില്ല.

Mr. M. Govindan: ഇന്നു പണംകോരി തെങ്ങുവച്ചാൽ ദേഹണ്ഡം കൊടുക്കേണ്ടിവരും. ഈ ചട്ടം പാസ്സായാൽ പിന്നീടു അങ്ങിനെയുള്ളവർക്കു ദേഹണ്ഡം കൊടുക്കേണ്ടിവരുമോ?

Mr. J. John Kattakayam: ഒരിക്കലും കൊടുക്കേണ്ടിവരികയില്ല. കുട്ടനാടൻ പ്രദേശങ്ങളിൽ ഒരു ഏക്കർ ഭൂമിയുണ്ടാക്കണമെങ്കിൽപത്തായിരം രൂപാ ചിലവുചെയ്യേണ്ടിവരും. വസ്തുവിൽനിന്നും ആദായമുണ്ടാക്കാൻ ചിലപ്പോൾ കുളം വെട്ടേണ്ടിവരും. ചിലപ്പോൾ ചിറ പിടിക്കേണ്ടിവരും. അതിനൊക്കെ വസ്തുവിൽ കുറെഭാഗം പ്രയോജനശൂന്യമാക്കേണ്ടിവന്നേക്കാം. അതിനൊന്നിനും പ്രതിഫലം കൊടുക്കണ്ടാ എന്നു പറയുന്ന ബില്ലു അനീതിപരവും അധർമ്മവുമാണ്. ഇങ്ങനെ ഒരു നിയമം ഒരിക്കലും പാസ്സാക്കരുത്. അതിനാൽ ബില്ലിലെ ഈ ഭാഗം എടുത്തുകളയണമെന്നുള്ള എന്റെ അഭിപ്രായത്തെ വീണ്ടും പ്രകടമായി പ്രസ്താവിച്ചുകൊണ്ടു എന്റെ വാക്കുകളെ അവസാനിപ്പിച്ചുകൊള്ളുന്നു.

Mr. S. Piraviperumal Pillai: Sir, my esteemed friend Mr. Govindan, for whose commonsense I have very great respect, while stating that this Explanation was the unkindest cut of all, appealed to us to agree with his amendment. I am sorry I did not find my way to agree with him.

I find that Explanation II is absolutely necessary. Explanation I says that the following shall *inter alia* be presumed to be improvements, namely, the construction of tanks, wells and other works for the storage or supply of water, etc. I shall just give a concrete instance to support my arguments.

Mr. E. P. Varghese: Does the Explanation apply only to that clause?

Mr. S. Piraviperumal Pillai: It applies to all clauses. I suppose Mr. Varghese will not say that the Explanation will not apply to that clause.

I will give a concrete instance. Let us suppose that a reservoir is constructed for storing water for a garden. Suppose a man is digging up one or two wells for storing the water. He puts in a demand for payment for improvements because of this digging. He then builds another building behind these wells and calls it also as an improvement and demands the value. I ask Mr. Varghese whether that can be called an improvement. That building is behind the reservoir which diminishes the value of it. For if we want access to the building we have to spend a large sum of money to fill up these wells which are in front of the building.

Mr. M. Govindan: May I point out to my friend that any construction which will have the effect of diminishing the value of any other part of the compound will not be an improvement?

Mr. S. Piraviperumal Pillai: The reservoir is also a part of the holding and is necessary for the garden.

Mr. E. P. Varghese: How does the sinking of the well or the reservoir diminish the value of the house?

Mr. S. Piraviperumal Pillai: One cannot get into the house without filling up the reservoir, because it is on the way.

Mr. M. Govindan. May I ask the member whether it is his view that this Explanation should be there if it does not apply to ninety nine per cent. of the cases but only to one?

Mr. S. Piraviperumal Pillai: If it satisfies 99 per cent. of the cases and does not satisfy one, it should be there. Sir I think the Explanation is absolutely necessary and I am not convinced of the arguments put forward in support of it.

Mr. E. P. Varghese: Sir, the learned Law Member has tried to justify this explanation. When we challenged him he was not able to answer us. All his ingenuity will not justify the explanation. Suppose I put up a building. That will ordinarily mean an improvement. It will not be an improvement if it substantially diminishes the value of any other part of the building. For everything an ingenious explanation can be found out. In this particular case, ordinary common sense could explain that any work is an improvement

Mr. Kochikal P. Balakrishnan Tampi: May I ask the honourable member whether the expression "it" could not refer to improvements?

Mr. E. P. Varghese : It may refer to that.

Mr. Kochikal P. Balakrishnan Tampi : According to the old canons of orthodox grammar could not the expression "it" refer to the immediate noun?

Mr. E. P. Varghese : But I doubt whether the framers of this Section followed the old and new canons of grammar in deter mining the value of the expression "it".

Mr. M. Govindan : May I know whether by following even the most up-to-date principles of grammar, apart from old or new canons the expression "it" could not stand for "improvements".

Mr E. P. Varghese : Whether "it" relates to improvements or works, it is immaterial, because any work executed is an improvement.

Mr. N. Ramakrishna Pillai : May I know from the member whether it is possible to construct a building with the materials dug out of a pit?

Mr. E. P. Varghese : It may not be ; you require other things also.

Mr. N. Ramakrishna Pillai Is it the member's opinion that compensation is to be paid both for digging a pit and also for constructing a building?

Mr. E. P. Varghese : No. Simply because, by digging I got meterials for the construction of a building, it should not be understood as diminishing the value of the holding. It should not be construed as a disqualification for claiming compensation. Nobody would require compensation both for digging a pit as well as for making a building. Because I have taken the stones for a building which enhances the value of the holding as a whole, I should not be disqualified from getting compensation.

Mr. N. Ramakrishna Pillai : May I know whether the member will consider a particular improvement as an improvement if it is built out of the waste obtained from the holding?

Mr. E. P. Varghese : Ruling on 9 T. L. J. deals with waste.

All that I am at is, that the mischief caused by the Explanation II is incalculable. Further my friend Mr. Piraviperumal Pillai gave an illustration of an extreme case. I doubt whether he has examined all the aspects of the various provisions of the Bill.

Mr. M. Govindan : May I ask, whether this Explanation can be inapplicable to one set of circumstances and applicable to 99 other sets of circumstances?

Mr. E. P. Varghese : That question has been answered by one of my friends.

Mr. S. Piraviperumal Pillai: May I know whether the Explanation could do more harm?

Mr. E. P. Varghese It is not exactly that. The Legislature should do good to the most and not to a few. The greatest good of the greatest number should be the motto of a Legislature. Explanation II is a very dangerous provision. We have already restricted the definition of improvements by stating that it must be suitable to the holding, it must be consistent with the conditions on which it is based, it must enhance the value of the holding, it must continue to enhance the value of the holding, so on and so forth. Further it has been decided that it must be permanent. The situation is that hurdles after hurdles have been imposed, for the poor labourer to clear before he can get at least a pittance. This legislation is intended for the benefit of the tenant at least to protect his interests. Therefore I support the amendment.

Chairman: Moved and seconded that in clause 2, sub-clause (iii), delete Explanation II.

The amendment was put to vote and lost.

Mr. M. Govindan: Sir, I demand a poll.

A Poll was taken with the following result:

AYES—6

1 Mr. Kochikkal P. Balakrishnan Tampi	4 Mr. Sayed M. Bava
2 ,, C. M. Joseph	5 ,, Komilezhathu Sankaran
3 ,, M. Govindan	6 ,, E. P. Varghese

NOES—11

1 Mr M. N. Narayana Menon	6 Mr. K. Madhavan Pillai
2 ,, K. Padmanabha Panickar	7 ,, Eric Hall
3 ,, N. K. Padmanabha Pillai	8 ,, V. S. Arumukham Pillai
4 ,, M. N. Paramesvaran Pillai	9 ,, N. Ramakrishna Pillai
5 ,, S. Piraviperumal Pillai	10 ,, R. Sankaralingam Pillai
	11 ,, A. N. Visvanatha Pillai

NEUTRALS—12

1 Mr. G. Narayana Aiyar	6 Mr. C. O. Madhavan
2 ,, H. O. L. Marikar	7 ,, Kayalam Paramesvaran Pillai
3 Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai	8 ,, R Pitchu Aiyangar
4. Mr. K. Paramesvara Panickar	9 ,, K. R. Narayana Aiyar
5 Rao Bahadur A. Rengasvami Aiyar	10 ,, C. V. Chandrasekharan
	11 ,, M. Govinda Pillai
	12 ,, C. Kumara Das

The amendment was declared lost, 6 voting for the amendment 11 against and 12 remaining neutral.

Mr. C. M. Joseph: Sir, I move the following amendment.

At the close of Explanation II add "without at the same time increasing the value of the whole."

സർ, മുമ്പ് മി. ഇ. പി. വറുഗീസ് അവതരിപ്പിച്ച അമൻഡുമെൻറിനു എൻെറ മാന്യസ്നേഹിതന്മാരുടെ ആനുകൂല്യവും ഒത്താശയുമുണ്ടായിരുന്നെങ്കിൽ ഈ ഭേദഗതി ഇവിടെ അവതരിപ്പിക്കേണ്ട ആവശ്യം വരികയില്ലായിരുന്നു. മുമ്പിലത്തെ അമൻഡുമെൻറിൻെറ ഗതി തന്നെയാണ് ഇതിനും ഉണ്ടാകാൻപോകുന്നത് എന്നുള്ള പ്രതീക്ഷ ഒട്ടും അബദ്ധമായിരിക്കയില്ല. ഏതായാലും ജന്മിക്കും ദേഹണ്ഡക്കാരനും ദോഷമില്ലാത്തവിധത്തിലുള്ള ഒരു ഭേദഗതിയാണ് ഞാൻ ഇവിടെ അവതരിപ്പിക്കാനുദ്ദേശിക്കുന്നത്. രണ്ടാമത്തെ വിവരണത്തിൻെറ അവസാനത്തിൽ "അതോടുകൂടി മുഴുവൻ വസ്തുവിൻെറയും വില അതേ സമയത്തുതന്നെ വർദ്ധിക്കാതെയിരിക്കുമെങ്കിൽ" എന്നു ചേർത്താൽ ഈ വലിയ വ്യാഖ്യാനങ്ങൾക്കും അഭിപ്രായവ്യത്യാസങ്ങൾക്കും തർക്കങ്ങൾക്കും ഇടവരികയില്ല. ഇവിടെ നിയമപണ്ഡിതന്മാരായ റിട്ടയാർഡ്ജഡ്ജിമാരും വക്കീലന്മാരുമെല്ലാമുണ്ട്. കോടതിയിൽ ഈമാതിരി ഒരു കേസ് വന്നുകഴിഞ്ഞാൽ അവർ ഏതെല്ലാംതരത്തിലാണ് ഈ വകുപ്പിനെ വ്യാഖ്യാനിക്കുന്നതെന്നു കണ്ടുതന്നെ അറിയേണ്ടിയിരിക്കുന്നു. ഇവിടെ ഇപ്പോൾതന്നെ ഇത്രയും തർക്കങ്ങളും അഭിപ്രായവ്യത്യാസങ്ങളും വന്നസ്ഥിതിയ്ക്കു് കോടതിയിൽ ഉണ്ടാകാവുന്ന തർക്കങ്ങളും അഭിപ്രായവ്യത്യാസങ്ങളും എന്തായിരിക്കും. ഇതിൽ എനിക്കൊട്ടുംതന്നെ അത്ഭുതം തോന്നുന്നില്ല. ഇതുവരെ ഈ വകുപ്പ് ബില്ലിലെ ഒരു വെറും ക്ലാസായിട്ടുമാത്രമാണ് ഇത്രയും തർക്കങ്ങൾ പുറപ്പെടുവിച്ചത്. എന്നാൽ ഈ ക്ലാസിനെ അടിസ്ഥാനപ്പെടുത്തി ഒരു കേസായിട്ട് അവരുടെ കയ്യിൽ കിട്ടുമ്പോൾ ഈ തർക്കങ്ങളെല്ലാം മറെറാരുതരത്തിൽ മാറിപ്പോകാനും മതി. അങ്ങിനെയുള്ള സംശയങ്ങൾക്കൊന്നും ഇടവരുത്താതെ ഈ വകുപ്പു എൻെറ ഭേദഗതിയനുസരിച്ച ഭേദപ്പെടുത്തുന്നതു നന്നായിരിക്കും. എൻെറ ഭേദഗതി ചേർത്താൽ വിവരണം ഇപ്രകാരമായിരിക്കും.

"A work executed by a holder is not an improvement if it substantially diminishes the value of any other part of the holding without at the same time increasing the value of the whole."

വിവരണം ഇങ്ങനെ മാററിയാൽ യാതൊരു തർക്കത്തിനും ഇടവരുന്നതല്ല എന്നുള്ള എൻെറ അഭിപ്രായത്തെ സമർപ്പിച്ചുകൊണ്ടും

എൻെറ മാന്യസ്നേഹിതന്മാരെല്ലാം ഇതിനെഎങ്കിലും അനുകൂലിച്ച് അവരുടെ ധമ്മബുദ്ധിയെ പ്രകടിപ്പിക്കണമെന്നു അപേക്ഷിച്ചുകൊണ്ടും ഞാൻ ഈ ഭേദഗതിയെക്കൂടി ഇവിടെ അവതരിപ്പിച്ചുകൊള്ളുന്നു.

Mr. E. P. Varghese: I support the amendment. The former amendment was not acceptable to this House and 1 appeal to this House to give their consent to this amendment at least which is of a more compromising nature. In substance what it says is that, if in diminishing the value of a part of the holding, the improvement does not increase the value of the holding as a whole, then such an improvement does not merit for any compensation. The argument advanced in support of the former amendment holds good to this also. In fact, while moving the former amendment, the defect pointed out was that if an improvement diminishes subtantially the value of any part of a holding, even though it enhances the value of a holding as a whole, the improvement will not be compensated. The present amendment is a very reasonable one and it serves the purpose. Compensation must be given to an improvement only when it enhances the value of the holding as a whole; otherwise, do not compensate any improvement. So, there is no harm in accepting the amendment. But I have my own misgivings whether the House will be prepared to accept even this. It seems as if, an ingenious explanation could be given for the rejection of every amendment. That being so, I would appeal to the good sense of the House to bestow their careful attention to the amendment and if found acceptable to vote for it.

Mr. Tariatu Kunjitomman: സർ, മി. ജോസഫ് ഇവിടെ അവതരിപ്പിച്ചിട്ടുള്ള ഭേദഗതിയെ ഞാൻ ബലമായി പിൻതാങ്ങുന്നു. രണ്ടാംവിവരണം ദോഷകരമായി വ്യാഖ്യാനിക്കയും ദേഹണ്ഡിക്കു നഷ്ടത്തിനിടയാക്കുകയും ചെയ്യുമെന്നുള്ളതുകൊണ്ട് രണ്ടാംവിവരണത്തെ എടുത്തുകളയണമെന്നു ഇവിടെ ഒരു ഭേദഗതി ഇതിനുമുമ്പു കൊണ്ടുവന്നത് ദേഹണ്ഡികളുടെ ഭാഗ്യദോഷത്താൽ പാസാകാനിടയായില്ല. നീതിവിരുദ്ധമായി ദേഹണ്ഡികളെ കഷ്ടപ്പെടുത്തുന്നതിനു പര്യാപ്തമായ ഈ വകുപ്പിൻെറ ശക്തിയെ ഒന്നു നിയന്ത്രിക്കാനുള്ള ഒരു ബ്രേക്കുപോലെയുള്ള ഒരു സ്ഥാനം വഹിക്കുന്നതിനാണ് ഈ ഭേദഗതി ഇവിടെ കൊണ്ടുവന്നിട്ടുള്ളത്. ഈ ഭേദഗതി ആർക്കും ദോഷമുള്ളതല്ല വസ്തുവിൻെറ മൊത്തത്തിലുള്ള വിലയെ താഴ്ത്തുന്നതായിട്ടുള്ള ദേഹണ്ഡങ്ങളെ ദേഹണ്ഡമായിട്ടു ഗണിക്കേണ്ട. ഒരു ഭാഗത്തിൻെറ വില കൂടിയിരുന്നാലും മറേറ ഭാഗത്തിനു വില കുറഞ്ഞിരുന്നാൽ ദേഹണ്ഡവില കൊടുക്കാൻ പാടില്ല എന്നു ബില്ലിൽ പറയുന്ന ദോഷം ഈ ഭേദഗതികൊണ്ടു പരി

[Mr. Tariatu Kunjitomman.]

ഹരിക്കപ്പെടാം. അതായത് മൊത്തത്തിലുള്ള വില താഴ്ത്തപ്പെടുന്നില്ലെങ്കിൽ ദേഹണ്ഡങ്ങൾക്കു വിലകൊടുക്കണമെന്നാണു ഭേദഗതി. ദേഹണ്ഡക്കാരന്റെ നേർക്കു അനീതിപരമായ ഒരു നിയമം പ്രയോഗിച്ചു അവനെ നഷ്ടപ്പെടുത്തണമെന്നുള്ള വിചാരമില്ലാത്തപക്ഷം ഈ ഭേദഗതി സ്വീകരിക്കുന്നതിൽ യാതൊരു ദോഷവും വരാനില്ല. ൧൦൦ ഏക്കർ ഭൂമി ദേഹണ്ഡിക്കുകനിമിത്തം അതിന്റെ ഒരു ഭാഗമായ ഒരു സെന്റിനോമറ്റോ വിലകുറഞ്ഞുപോയി എന്നുവിചാരിച്ചു വില കൂടുതലുള്ള ദേഹണ്ഡങ്ങൾക്കും പ്രതിഫലം അർഹിക്കുന്നില്ലെന്നുള്ള ദോഷത്തെ പരിഹരിക്കാൻ ഈ ഭേദഗതി അത്യാവശ്യമാണ്. അതിനാൽ ഞാൻ ഈ ഭേദഗതിയെ അനുകൂലിച്ചുകൊള്ളുന്നു.

At this stage the President occupied the Chair.

President: Moved and seconded that at the close of explanation, II, add " without at the same time increasing the value of the whole. " The explanation as amended will read as follows:-

Explanation II. " A work executed by a holder is not an ' improvement ' if it substantially diminishes the value of any other part of the holding without at the same time increasing the value of the whole. "

The amendment was put to vote and lost.

Mr. M. Govindan: I demand a poll.

A poll was taken and the House divided as follows —

AYES ... 7.

1 Mr. Kochikal P. Balakrishnan Tampi	4 Mr Tariatu Kunjitomman
2 ,, C. M. Joseph	5 ,, Sayed M. Bava
3 ,, M. Govindan	6 ,, Komilezhathu Sankaran
	7 ,, E. P. Varghese

NOES—11.

1 Mr. V. S. Arumukham Pillai	6 Mr. M. N. Narayana Menon
2 ,, Hajee Hassan Yacoob Sait	7 ,, K. P. Nilakanta Pillai
3 ,, K. N. Kesavan Namputiripad	8 ,, N. K. Padmanabha Pillai
4 ,, K. Madhavan Pillai	9 ,, M. N. Paramesvaran Pillai
5 ,, M. P. Madhavan Pillai	10 ,, N. Ramakrishna Pillai
	11 ,, A. N. Visvanatha Pillai

NEUTRALS—14.

1 Mr. C. V. Chandrasekharan	9 Mr. K. Padmanabha Panickar
2 ,, M. Govinda Pillai	10 ,, K. Paramesvaran Panickar
3 ,, Eric Hall	11 ,, Kayalam Paramesvaran Pillai
4 C. Kumara Das	12 ,, S. Piraviperumal Pillai
5 Rao Bahadur Rajasevaniratha Dr. N. Kunjan Pillai	13 ,, R. Pitchu Aiyangar
6 Mr. H. O. L. Marikar	14 Rao Bahadur A. Rengasvami Aiyar
7 ,, G Narayana Aiyar	
8 ,, K. R. Narayana Aiyar	

The amendment was declared lost, 7 voting for the amendment, 11 against and 14 remaining neutral.

Mr N. Ramakrishna Pillai: Sir, I wish to make an observation. From the trend of the discussion it seems that it may not be possible for us to go through the whole Bill by the end of the day. My submission therefore is that the House may be permitted to go through the whole Bill by being given one more day for the discussion. We do not know whether it will be convenient to give one day or not. But there is a feeling entertained by several members of the House that we should get at least an opportunity to record our opinion in regard to the various provisions of the Bill. That is the reason why I request that, if possible, we may be given one more day to discuss the Bill. A large amount of labour and time has been spent upon this Bill not only in this House but also in the other House. Therefore, I propose that the consideration of the Bill may be allowed to be continued for another day.

Mr. M. Govindan: I may also be permitted to say one or two words in this connection.

President: As a matter of fact, I shall be glad to get the opinion of all sections of the House before I come to a decision,

Mr. M. Govindan: I do not expect that we will be able to complete the whole Bill even if one more day is allowed. My own impression is that in view of the very kind undertaking given by the Chair that the Bill will be brought to the Legislature in an acceptable form at a future time, if the necessity for it is brought home to Government, I find that it is unnecessary to spend more time on this Bill and therefore we may close the proceedings and wind up the business at this stage. From the trend of discussion it will be clear that there are some provisions requiring change although the vote recorded does not indicate that. Some questions put to the Law Member during the course of the discussion remain unanswered; and he carefully avoided answers lest they be condemned. I highly appreciate that. I think we can look to the Government for a measure which will satisfy all parties. With these words, I recommend that the business may be wound up.

Mr. K. Madhavan Pillai: Does the member suggest that the Bill should be withdrawn at this stage?

Mr. Kochikal P. Balakrishnan Tampi: I second the proposition of Mr. Ramakrishna Pillai. I do not say that the Bill is free from defects. It may have its virtues or its defects. We had no opportunity to discuss the whole Bill. We may therefore be given an opportunity to finish the discussion on the whole Bill with all its defects or with all its merits. I am sorry that Mr. Govindan goes against the well accepted parliamentary convention that when a mover of a Bill moves for such accommodation as the extension of time it is highly regrettable that Mr. Govindan should have opposed it. It is therefore better that we should have an opportunity of discussing the whole Bill.

Mr. E. P. Varghese; I also wish to add a few words. We have already spent two days for the discussion of the Bill and we have come to the 2nd clause only. Most of the important clauses still remain. I do not think that an extension of the Council by a day will see the end of the Bill. So in view of the assurance kindly given by the President that Government will bring the Bill with necessary amendments, there is no necessity to go through this Bill and waste our time. Our opinion on the general principle of the Bill has been already recorded during the general discussion of the Bill. By the several deputations it must have impressed the Government where the shoe pinches and where amendments are required. So I do not think that any useful purpose could be served by extending the Council. Even with brief speeches we will not be able to get through the Bill in a day or two. We have been trying to be very brief. I may inform the honourable members that myself and Mr. Govindan have been very brief. If Mr. Govindan has been lengthly at times the honourable members on the opposite side have been equally responsible for that because they have been interrupting him with all sorts of questions. I do not object to the procedure. It should not be taken that we have been deliberately prolonging the discussion. In view of the assurance given by the Dewan-President we have been trying to cut short our speeches as far as possible. More important provisions of the Bill still remain to be discussed.

Mr. M. N. Paramesvaran Pillai: Does the suggestion of the honourable member hold good in the case of Mr. Kattakayam also?

Mr. E. P. Varghese: I was only saying that we should not be found guilty of making long speeches. Under the circumstances, stated above I do not think that it is necessary to prolong the business of the House for another day more.

Mr. G. Narayana Aiyar : Having spent so much valuable time of the House over this Bill to stop it here is highly detrimental. So I submit that the time may be extended and the Bill passed completely if any way possible.

Mr. Tariatu Kunjitomman : സർ, എനിക്കും ഇതിനെപ്പററി രണ്ടുവാക്കു ചെയറിൻെറ ശ്രദ്ധക്കായി ബോധിപ്പിക്കുവാനുണ്ട്. ഈ ബില്ലിൽ ൧൧൭ ഭേദഗതികളാണു വന്നിട്ടുള്ളതു്. അതിൽ ൩൨ വരെമാത്രമെ നാം ഇപ്പോൾ എത്തിയിട്ടുള്ളു. ശക്തിയായി വാദപ്രതിവാദം നടത്തിയിട്ടും ഭേദഗതികൾ ഒന്നുംതന്നെ പാസാക്കാൻ സാധിച്ചിട്ടില്ല. ഇതിനുംപുറമെ ഈ ബിൽ ധൃതഗതിയിൽ പാസാക്കുന്നതു് ഒട്ടും ശരിയല്ല. ഉദ്യോഗസ്ഥഭാഗം നിഷ്പക്ഷമായിട്ടു നിൽക്കണമെന്നു അവിടുന്നു ആജ്ഞാപിച്ചുകഴിഞ്ഞു. അതു് ഒരുവിധത്തിൽ നല്ലതുതന്നെ. എന്നാൽ അടുത്ത തിരഞ്ഞെടുപ്പു് അടുത്തിരിക്കയാണല്ലോ. അതിൽ വരുന്ന ജനപ്രതിനിധികളുടെ അഭിപ്രായംകൂടി അറിഞ്ഞു് ഗവണ്മെൻറു നല്ലവണ്ണം ചിന്തിച്ചതിനുമേൽമാത്രമേ ഈ ബിൽ പാസാക്കാവു. അല്ലാതെ ഇതു ധൃതഗതിയിൽ പാസാക്കുകയാണെങ്കിൽ ഗവണ്മെൻറിനു ഇതിൽ എന്തോ ഉദ്ദേശമുണ്ടെന്നു ജനസാമാന്യം തെററിദ്ധരിക്കാനിടയുണ്ടു. ഒന്നോ രണ്ടോ ദിവസം ഈ സഭ നീട്ടിയാൽതന്നെയും ഇപ്പോൾ കൊണ്ടുവന്നിട്ടുള്ള ൧൧൭ അമെൻഡുമെൻറുകളും തീരുമെന്നു തോന്നുന്നില്ല. അതിനാൽ ജനാഭിപ്രായം ശരിയായി മനസ്സിലാക്കി അടുത്ത സഭയിൽ ഈ ബില്ലു പാസാക്കുന്നതു സമുചിതമായിരിക്കുമെന്നാണു് എൻെറ അഭിപ്രായം.

Mr. S. Piraviperumal Pillai : From the way in which we have been proceeding, I am afraid we will not be able to complete the discussion of the Bill even with a week's extension.

President : The honourable member is very pessimistic.

Mr. S. Piraviperumal Pillai : Therefore may I request you to allow me to proceed to the next Bill of which I have given notice ?

Mr. K. P. Nilakanta Pillai : I beg to differ from the speeches of all the other members. Whether the period for the consideration of the Bill is extended or not we will not be able to complete it to-day. Therefore I am of opinion that the business may be stopped here.

President : I have given the most anxious consideration to what has fallen from the honourable members. If I thought that by extending the session by a day I could see the end of this Bill, I should have had very little hesitation in allotting one more day and

[President]

requesting the members of this honourable House to continue their deliberations to-morrow. As a matter of fact, honourable members will recollect that, at the outset, on the first day, I indicated the view of the Government that even if this House were to pass this Bill in this meeting, there was no question of its automatically becoming law inasmuch as Government have come to the conclusion, with a full sense of their responsibility, that certainly in the matter of drafting and perhaps also in certain provisions, the Bill requires very earnest and anxious reconsideration. That was why I stated the other day that it would be desirable that all parties collaborate and select a few crucial points alone for discussion leaving the rest in abeyance so to say. For reasons which I shall not canvass but which I can rightly appreciate, such a course of action has been found impracticable. Honourable members will remember that yesterday was really an official day and that it was in order to facilitate the discussions of this Bill that I allowed the discussion of this Bill even yesterday. Thus, we have had one day more ; I am inclined to agree with those honourable members who said that even if the whole of to-morrow is devoted to the discussion of this Bill we shall not be anywhere near the end of it. I am not distributing praise or blame, for, it is obivous that there is a certain amount of feeling in this matter ; and people have very strong canvictions and have been rather emphatic, some more emphatic than others. But such emphasis and feeling has resulted undoubtedly in that you would require at least three days more to discuss and finish this Bill ; and at the end of the three days I am sure we shall be exactly where we are now, because Government are pledged to consider the whole measure—I said that once before, and I repeat it now—Government have given the undertaking that they will themselves *suo motu*, introduce a fresh Bill on this matter with due advertence to the various interests concerned ; and Government will carry out that undertaking. Government will endeavour to do justice to all the interests concerned ; and there will be ample opportunities for all the members of the coming legislature and also for publicmen like such of the present members as may not stand for or get returned in the coming elections.

In these circumstances, I feel convinced that the extension of the meeting by a day—any longer extension cannot be contemplated—will certainly not suffice to finish the business on the tapis. Therefore, I feel regretfully obliged to say that this will be the last day of the discussion of this Bill.

Mr. M. Govindan : I beg to move that in clause 2, sub-clause (iv), line 1, the expression "payable to" may be substituted for "claimable by."

Sir, this is a formal amendment to bring about uniformity. Here when it is a question of Jenmies it is "claimable" and in the case of holders it is "payable". In fact, the compensation due to the tenent should be "claimable" so that he can institute a suit according to the Bill. But in the case of a Jenmi he cannot institute a suit according to the Bill. So, if the words were inverted there would be more sense. In view of the undertaking given by the President.

President : Does the honourable member want to discuss the amendment ?

Mr. M. Govindan : If the feeling of the House is for dropping the discussion, I would also wish that the whole thing may be stopped.

Mr. K. P. Nilakanta Pillai : I have informally consulted all the members, and I may submit here that they have agreed to drop all further discussion.

Mr. S. Piraviperumal Pillai : In view of the fact that the discussion of this Bill is to be stopped, may I submit that I may move my Bill ?

Mr. M. N. Paramesvaran Pillai : Sir, there are amendments to that Bill which require discussion. So the Bill should not be passed. So, it was moved and seconded that the business of the House be now adjourned.

The motion was put to the vote of the House and carried.

President : The business before the House will now stand adjourned.

PRESIDENT'S FAREWELL ADDRESS.

President : In view of the decision arrived at just now, this will be the last day on which this honourable House will transact business with its present members. In a few days, notifications will issue dissolving both the Houses of the Legislature and making the necessary arrangements for the coming elections. At this stage, I hope honourable members will bear with me if I say a few words with reference to the Upper House of the Travancore Legsilature, and the work it has transacted and turned out.

At the outset I may state that I have had some experience of Upper Houses. I was an elected member of the Council of State, and I have seen the House of Lords at work. I am not flattering this honourable House when I assert that it need not suffer by comparison with those other Chambers, So far as the Council of

[President.]

State in Delhi is concerned, it is a very sage and professes to be—and perhaps is—a very important body. But the discussion and the deliberations there are not characterised by very much emotion or feeling, or, until quite recently, by anything more than a series of complaisance and dissents with the propositions brought before it. So far as the House of Lords is concerned, except on a few matters on which the technical competence and excellence of some of the members makes itself felt as a supremely important legislative organ of the British Empire, it is a dull body. Generally speaking out of the 700 members of the House, only about 50 usually attend the meetings. And, if you are on the gallery, you hardly hear what they say; you would think that they are whispering to each other. Once in a way a real debate and fight take place and everybody is satisfied.

But my experience of this House teaches me that this House is in every way as active and as vigorous in the expression of its opinions and as tenacious of its views, as the Lower House of the Legislature is generally supposed to be. I can certainly add, that I can compliment this House on the expedition with which it does its work—I am not referring to the present debate (*Laughter*) in regard to which it may be true that there were reasons for certain honourable members lengthening their remarks and making fairly strong display of their feelings and opinions. But, it would be perfectly correct to say that this House has been very expeditious in the disposal of business and has turned out a great deal of work.

Nine Sessions of the Council have been held during which the House sat for 57 days. Of these, 13 days have been utilised for transacting non-official business.

Twenty-three official Bills, and two non-official Bills, which were passed by the Assembly, received the concurrence of the Council and became law with the assent of His Highness the Maharaja. The Council was the originating Chamber in regard to two Bills which also became law with the concurrence of the Assembly and with the assent of His Highness the Maharaja.

Altogether 1,272 questions have been answered in the House, the average number of questions answered on a day being 23.

Twenty-three resolutions were discussed by the House, out of which only two were passed, one in 1109, recommending the abolition of export duty on cocoanut products and the other in 1110, recommending the reduction of land tax and water cess by 50 per cent. till normal conditions were restored. These two resolutions

have been given effect to by Government so far as circumstances and the finance of the State would permit. The resolution recommending the aboli ion of export duty on copra and other cocoanut products was accepted by Government with modifications, that is to say, the tariff values of cocoanuts and of the principal cocoanut products– copra, cocoanut oil, and punnac were reduced for levey of export duty thereon with effect from the 1st Chingam 1110 as shown below :—

Copra	from Bh. Rs.	16 to	Bh Rs	10 per cwt.
Cocoanuts	,,	48	,,	30 per thousand.
Cocoanut oil	,,	12	,,	8 per cwt.
Punnac	,,	5	,,	3 Do.

The second resolution was also accepted by the Government with modifications, according to which Government sanctioned a remission of $18\frac{1}{4}$ per cent. of the land tax on all ayacut wet lands and tank bed conversions in the Tovala and Agastisvaram taluks and on post-settlement *kayal* reclamations in the taluks of Ambalapuzha, Kottayam and Changanachery and a remission of $12\frac{1}{2}$ per cent. on all other lands in the State wet or dry excepting those cultivated with coffee, rubber, tea and cardamoms.

The Budgets of 1109 to 1112 have been discussed and passed by the Council. Though the House has the power to omit Demands as a whole, it is significant that there had been no occasion in which such power has been exercised.

Motions for the adjournment of the House to discuss matters of urgent public importance were moved and discussed on four occasions. The motion was carried only on one occasion, to discuss the hardship caused by a circular issued by the Director of Registration in regard to the levy of registration fees on receipts for payment.

The Council discussed four important reports of Committees appointed by Government, *viz.*, the Education Reforms Committee, the Public Service Recruitment Committee, the Co-operative Enquiry Committee and the Agricultural Debt Redemption Committee.

The views expressed by the House have always been of great assistance to Government in arriving at important decisions in regard to those subjects. Besides, the House also discussed and passed the reports of the Public Accounts Committee on the Audit and Appropriation Reports for 1108, 1109 and 1110.

That is a bare and bald account of the work of this House. It is work of which this House has legitimate reason to be proud. The work done by this House and the traditions of this House are of special value.

[President.]

It will be remembered that, alone among the Indian States, Travancore originated the system of a bicameral legislature. It will also be remembered that, with special reference to this innovation, as it then was, the Secretary of State for India complimented His Highness in London on this feature of the Travancore Legislature. This step was taken with a view to give that balance and that kind of comprehensive consideration of all sides of questions which come up for discussion, and that advertence to the processes of double examination which are of the utmost value in legislative work. In some of the criticisms on this matter, the fundamental distinction between Indian State and a British Indian Province is lost sight of. With all possible respect to the very eminent and very distinguished persons who occupy the positions of Governors of Provinces and of the Governor-Generals of India, it will be remembered that each Governor and each Governor-General holds office as such only for a period of five years, after which period he goes back to his own country where he is neither the subject of acute blame nor the recipient of much commendation after his well-deserved retirement. The case of an Indian State is very different. His Highness the Maharaja is here as a permanent factor and is here all the time. It is therefore necessary that the occasions on which His Highness overtly dissents from the decisions of the Legislature, or certifies a measure or takes a line contrary to that expressed by the members of the Legislature, should be as few and as sparse as possible and His reserve and residuary powers should have to be resorted to only under special conditions. That is not only sound constitutional law and practice but is a course of action dictated by the highest of political as well as prudential motives. From that point of view it becomes all the more necessary that there should be what may be called a revisory Chamber.

Judging from the work turned out during the last few years I may say—and say without hesitation—that this constitutional experiment inaugurated by His Highness the Maharaja has proved conspicuously successful in Travancore. I may congratulate the honourable members of this House on the record of their meritorious work and on the spirit with which they have approached and fulfilled their tasks.

To those who are standing for election, I wish all success. To those who do not propose to stand, I would suggest that they should not allow their interest in public affairs to suffer by their not being members of the Legislature but that they should continue to evince it in increasing measure, since this State is very fast be-

coming, and to a large extent has become, a constitutional State in the sense that His Highness the Maharaja and His Government have been fully responsive to public opinion and have striven their utmost to guide their policies not only by what they consider to be in the highest interests of the State but in the light of sane and instructed public opinion.

Let me bid you all good-bye and Godspeed.

Mr. K. Madhavan Pillai : Sir, with your kind permission and on behalf of the members of this House, I beg to convey to you our feelings of gratitude and thankfulness for the great kindness and courtesy that you have always extended to us and for the good wishes and valuable guidance which you have given to our proceedings. I am also thankful to you, Sir, for the very kind and generous terms in which you referred to our services in the discharge of our duties. Sir, when I say that this House is extremely proud that an illustrious son of India and a man of world renown is presiding over it, I have nearly said all that has got to be said on this occasion. Your presidency of this Council has immeasurably enhanced the dignity and reputation of this House.

As you observed, this country was the first under your guidance to lead Legislative Reforms by constituting a two-chamber legislature. I need not conceal the fact that at the time there were critics who believed that a House of elders will be a costly thing. Sir, we have your valuable evidence that these views were wrong. We have been able to demonstrate that even the maturity of added years has its own merit. On the other hand, as you admit, we have been a vigorous and energetic body bringing to bear upon the problems connected with this country a wide and enlarged outlook, imagination and intimate knowledge. We have criticised every measure with impartiality, with fearlessness and always with dignity and decorum. We have never contended that we form an opposition to Government. On the other hand, we always belived that our concern was to see the other side of the picture, which will, I am sure be conceded on the different nooks and corners of the huge administrative machinery which is day by day growing in complexity. We have always been ready to co-operate with Government and render to the administration whatever assistance in us lay to give. We have always been careful to avoid deadlocks and have always treated with response and consideration the decisions of the other House.

I think it is proper on this occasion to refer to what occurred in this House two days ago. Mr. M. N. Paramesvaran Pillai made a vigorous protest against the term depressed classes occurring in

[Mr. K. Madhavan Pillai.]

our Education Code and public records. I may assure you, Sir, that the whole House was enthusiastic at the marvellous change that has come over this country. Who is the man or woman in this country to-day who is prevented from riding in a carriage or on the tallest elephant through the streets? Which is the occupation or calling that is considered undignified? Which is the public place of worship from which any caste or community is excluded? Sir, it is a matter of extreme gratification that depressed classes have left this country for ever for the lasting glory of the Royal House and of you, Sir, who is the trusted Minister of His Highness the Maharaja.

Now that the shadow of a University is in the distant horizon,.........

President: I hope it is not so very distant.

Mr. K. Madhavan Pillai: I am very glad. Sir, at this time when the prospect of a University is not very distant, you will kindly premit me to make a few observations. Your mission in this country is to carry to fulfilment the aspirations of a former Maharaja who introduced higher education. His Highness Ayilliam Thirunal laid the foundation stone of the college and in doing so His Highness said "Go forth and answer to the intelligent needs of this country and present yourself a formidable rival to your brothers outside". I want the House to mark the word 'intelligent needs'. Intelligent needs are those of an enlightened world. Now, what are the intelligent needs of this country to-day? Compared with existing conditions, I suppose the intelligent needs are those of commerce and industry the magnitude of which has well answered the intelligent needs as envisaged by the famous former Ruler. The second thing that His Highness said was "be a formidable rival to your brothers outside". I hope that the products of our new University will prove to be a formidable rival to the outside world.

With these few words, I thank you once again for the kindness you have shown and I hope that your administration will be a grand success.

Mr. S. Piraviperumal Pillai (*Commerce and Industry, South*): Sir, in associating myself with the sentiments expressed by the previous speakers I wish to make one observation.

Having had the opportunity to work directly under three Dewans and the proud privilege of surveying and criticising the work of five Dewans believe me, Sir, I am not flattering you when I say that I have not found another who loves work as much as you

do with so much aptitude for the same. Your words that three thousand years ago in the famous battlefield of Kurukshethra Lord Krishna in his advice to Arjuna emphasised the importance of work are always ringing in my ears when before me I find in you one who has been benefited by that advice.

There never sat in Bhaktivilas any Dewan who had the energy and vitality which you possess not to speak of the other various qualities of head and heart which you have in such abundance and which have won for you esteem and reputation not only throughout the length and breadth of India but beyond the seas as well and which have made you the envy of Dewans of other States.

We have been wondering with amazement on the dynamic energy you possess in that after delivering your as-usual-remarkable lectures in Madras and a busy time there, leaving Egmore on the evening of the first, receiving bundles of files *en route* at intermediate stations and disposing them, arriving at Shencotta on the afternoon of the second, motoring from there immediately to Trivandrum, and in the same evening delivering a Presidential speech in a magic lantern lecture depicting the earthquake in the other end of the continent we live, and immediately attending a dinner along with the representative of His Majesty the King-Emperor, and before dawn next morning leaving the place to the other end of this State, opening *en route* conferences and receiving several deputations of a varied nature and replying them all suitably in an outspoken manner---a characteristic which no Dewan has displayed till-now and thereafter presiding over a College day meeting and there delivering an inimitable speech pointing out amongst other things the history of the Parsees in India, the history of the Syrian Church in India, etc., and returning the next day here to guide the deliberations of our local Parliament, and, after delivering the prorogation speech thereat, running back again to Madras to attend to important business connected with the welfare of the five million people entrusted to your care by our Gracious Highness-to frankly tell you, Sir, you represent the truth contained in the Upanishad saying you uttered day before yesterday that it is necessary to work to be full of energy to be valiant.

Though much younger than yourself, we do not possess one thousandth of your energies at this time of the day after a prolonged sitting. I, therefore, do not propose to take the time of the House any longer.

Praying Almighty to give you a long lease of life and wishing you Godspeed in all your endeavours we request you kindly to convey to His Highness our deep sense of loyalty and devotion to his august person and throne.

Mr. J. John Kattakayam : സർ, ചരിത്രപ്രധാനമായ നിയമസമിതികളുടെ പരിണാമരമ്യമായിരിക്കുന്ന ഒരു സ്മരണീയാവസരമാണല്ലോ ഇതു്. തിരുവിതാംകൂറിലെ പൗരസഞ്ചയത്തിന്റെ പ്രാതിനിധ്യമുള്ള പ്രസ്തുത സഭയുടെ ഗൗരവത്തിനൊ നടത്തിപ്പിനൊ ന്യൂനത വരാതെ അധികാരിവർഗ്ഗവും അനുദ്യോഗസ്ഥന്മാരും പ്രവർത്തിച്ചിട്ടുണ്ടെന്നാണെന്റെ വിശ്വാസം. പരിഷ്കരിച്ച സഭകളുടെ ജാതകകർമ്മത്തിനു ഏറെക്കുറെ കാരണക്കാരനായ ദിവാൻജിഅവർകളുടെ മഹനീയാദ്ധ്യക്ഷ്യം ഈ അവസരത്തിൽ ഉണ്ടായതു ഭാഗ്യത്തിന്റെ പാരമ്യംകൊണ്ടുമാത്രമാണ്. നിയമസഭാമെമ്പറന്മാരെ പള്ളിക്കൂടം കുട്ടികളായി കരുതുന്ന സ്വഭാവം അദ്ധ്യക്ഷനവർകൾക്കോ ഉദ്യോഗസ്ഥമെമ്പറന്മാർക്കോ മിക്കവാറും ഉണ്ടായിട്ടില്ലെന്നു പറയുവാൻ എനിക്കു സന്തോഷമുണ്ടു്. ഉദ്യോഗസ്ഥമെമ്പർമാരുടെ നടപടികളെപ്പററിയും ഗവൺമെൻറിന്റെ കർത്തവ്യങ്ങളെ ആസ്പദമാക്കിയും ഞാൻ പലപ്പോഴും വിമർശിച്ചിട്ടുണ്ടു്. എന്നാൽ വ്യക്തിപരമായ വിരോധംമൂലം ഒരൊററ ഉദ്യോഗസ്ഥനെപ്പററിയും ഞാൻ യാതൊന്നും പ്രസ്താവിച്ചിട്ടില്ലെന്നു സധൈര്യം പറയാം.

നാലു കൊല്ലമായി ഞാൻ മാതൃഭാഷയായ മലയാളത്തിൽ തുടരെത്തുടരെ എഴുതി അയച്ചുകൊണ്ടിരുന്ന ചോദ്യസഹസ്രങ്ങൾ എല്ലാം കഷ്ടപ്പെട്ടു് ഇംഗ്ലീഷിലാക്കേണ്ടിവന്നിട്ടുള്ള ഉദ്യോഗസ്ഥലോകത്തോടു ഞാൻ നന്ദി പ്രദർശിപ്പിച്ചാൽ ആരും അതിശയിക്കയില്ലല്ലോ.

ഒരു നവയുഗത്തിന്റെ സർവ്വലക്ഷണങ്ങളും കാണുന്ന ആധുനിക ധർമ്മഭൂമിയുടെ ഭാസുരകീർത്തി ലോകമാകമാനം നിറഞ്ഞിരിക്കുന്ന ഈ സുവർണ്ണകാലത്തിൽ ശ്രീചിത്തിരതിരുനാൾ തിരുമനസ്സിലേയും അവിടത്തെ ഉത്തമമാതൃരത്നമായ മഹാറാണി തിരുമനസ്സിലേയും പരിശുദ്ധനാമധേയങ്ങൾ എല്ലാജനങ്ങൾക്കും അറിയാവുന്ന കാരുണ്യഭാഷയിൽ പ്രകൃതിദേവിതന്നെ എല്ലായിടത്തും ലേഖനം ചെയ്യുമ്പോൾ—സകലവർഗ്ഗീയവിപ്ലവങ്ങളും, മത്സരങ്ങളും, അസമത്വങ്ങളും അറേബ്യൻകടലിൽ വലിച്ചെറിഞ്ഞു് ശാശ്വതമായ ഐക്യവും സൌഭാഗ്യവും വളർത്തുന്ന സചിവോത്തമൻ സർ. സി. പി. രാമസ്വാമിഅയ്യർ ജനങ്ങളുടെ ഹാർദ്ദമായ സഹകരണത്തോടുകൂടി മന്ത്രിപദം കയ്യേററു് തിരുവിതാംകൂറിനെ ഒരു ആയിരം കൊല്ലങ്ങൾക്കു് അപ്പുറത്തേയ്ക്കു് അതായതു് വർമ്മദശയിലേയ്ക്കു വലിച്ചെറിഞ്ഞിരിക്കുന്ന ഈ സന്ദർഭത്തിൽ സ്റ്റേററുകൌൺസിലിനോടു തൽക്കാലം സന്തോഷപൂർവം യാത്രപറയുവാൻ ഞങ്ങൾക്കവകാശമുണ്ടു്. (ഹസ്തതാഡനം.)

പൊതുജനപ്രതിനിധികളും ഗവണ്മെൻറും രണ്ടു കക്ഷികളായി നിന്നു പോരാടുവാനുള്ള ഒരു യുദ്ധക്കളമല്ല നിയമസഭയെന്നും പ്രസ്തുത പൌരപ്രതിനിധികളും ഗവണ്മെൻറംഗങ്ങളും ഒരുകയ്യായിനിന്നു മഹാരാജാവുതിരുമനസ്സിലെ ഗവണ്മെൻറിൻെറ പുരോഗമനത്തിനും രാജ്യത്തിൻെറ നന്മയ്ക്കും വേണ്ടി ശ്രമിക്കുന്ന ആലോചനാമണ്ഡപമാണ് നിയമസമിതിയെന്നും തെളിയിച്ചുകൊടുക്കുന്ന ഭരണനയം ഇന്നത്തെ വിശാലഹൃദയനായ അദ്ധ്യക്ഷനുള്ളതു നിശ്ചയമായും അനുമോദനാർഹവും സംതൃപ്തികരവുമാകുന്നു. (ഹസ്തതാഡനം.)

ജനഹിതഭരണശകടം അതിൻെറ രണ്ടു ചക്രങ്ങളായ അസംബ്ലിയുടെയും കൌൺസിലിൻെറയും സഹായത്താൽ പൊതുജനങ്ങളുടെ അഭിവൃദ്ധിപഥത്തിൽക്കൂടെ രാജഭക്തിയും ആനന്ദവുമാകുന്ന പ്രാപ്യസ്ഥാനത്തെത്തുവാൻ ജഗദീശ്വരൻ അനുഗ്രഹിക്കുമാറാകട്ടെ.

ഈ സ്റ്റേറ്റുകൌൺസിൽചക്രത്തിൻെറ ഒരു നേമിയായ എന്നെക്കൊണ്ടു ഏതെങ്കിലും അവസരത്തിൽ ആരെങ്കിലും അസഹ്യത അനുഭവിച്ചിട്ടുണ്ടെങ്കിൽ അവരോടെല്ലാം ഞാൻ പ്രത്യേകം പ്രത്യേകം ക്ഷമായാചനം ചെയ്തുകൊള്ളുന്നു.

അവരെല്ലാം എനിക്കു മാപ്പുതന്നു അനുഗ്രഹിക്കുമെന്നും ഞാൻ വിശ്വസിക്കുന്നു. (ഹസ്തതാഡനം.)

Mr. M. Govindan: Sir, I am glad to associate myself wholeheartedly with the previous speakers with all the sentiments expressed by them regarding your distinguished guidance of the deliberations of this House. My friend, Mr. Madhavan Pillai said, that there are no depressed classes to-day in Travancore. He was perfectly right in saying so. But it should not be understood, Sir, that the work of uplift of the depressed classes is finished. You have within the short space of time you have been the head of the administration paved the way for further progress by effectively removing the main obstacle to their progress, namely, the curse of untouchability, by giving them temple entry and thereby giving an intelligent lead to the whole of India. In fact by that very act Travancore stands to day as the first State in India. But much remains yet to be done by way of economic uplift and welfare work among the poor classes. In view of the objection of my friend Mr. M. N. Paramesvaran Pillai I will no longer use the expression 'depressed classes' and I request other friends also not to use that expression not only because of his objection but also because of your objection, Sir. I know that you do not like that expression and you have assured us that early

[Mr. M. Govindan.]

steps will be taken for the obliteration of the expression 'depressed classes' from all official communications. A friend tells me that you have already done that. That is a good thing. We have the greatest hope that dring your administration the difference between the various classes will be swept away and their condition so improved that the whole of Indian nation will become consolidated.

You have in your speech, which is a model for Presidents to follow hereafter, given a lucid account of the achievements of this House. For my part, I thought that we had done but little. But when we heard your lucid account we felt, that there was achievement of which we may feel gratified. But the achievement, if any is not due to the non-official side alone. Nor did you Sir, mean that I know. What we have done would not have been possible but for the able and hearty co-operation of the official benches. I say that because I feel strongly that a large share of the credit is due to them. (*Hear, hear*). That is all that I want to say at this time of the day. I join my friends in bidding farewell.

Mr. G. Narayana Aiyar: Sir, I heartily congratulate you on the successful way in which you have been discharging the duties of the President of this august House. No member of this House had any occassion to say that he was not given sufficient opportunity or time to express his views. Your courtesy, kindness, and accommodating temperament throughout the deliberations of this House and your readiness to help the members are worthy of being specially mentioned. Your statesmanship of world-wide reputation, high sense of duty to discharge fairly and impartially the responsibilities entrusted to your care, all stand in good stead to our State at this important and critical situation. I wish you sound health, continued success and prosperity.

I heartily congratulate and thank the Council Secretary and the whole staff for the kind and succesful way in which they have discharged their duties and helped the members. I wish them success.

I also sincerely thank the official members of this House for the invaluable assistance rendered to the non-official members and the kindness and courtesy shown to us and wish them Godspeed.

Mr. H. O. L. Marikar (*Minachil cum Devicolam*): I thank you, Sir, for the compliments paid to this House. We take it as a certificate of merit that you took us as a secondary school class. We have to go through high schools and colleges and get diplomas. I think you will during your time help some of us to be promoted from this bench to the other-side. If you do not

do so, we cannot expect to get promotion from any other Dewan in Travancore. We are hoping it from you, Sir, because you are the most successful of the Dewans in any Indian State. In my heart of hearts I give you a greater place been than to Mahatma Gandhi. I say that because we find that even the programme of the Indian National Congress has not fulfilled. But your programme as a home ruler for self-government for India has been fulfilled to your heart's content Because of your unselfishness at the time of reaping the result of your work during your life time in and out of British India, you have given your service to an Indian State in order that you may teach the people of the State how to bear the burden of Government. When I say that we wish to be promoted to the other side of the bench it should not be misunderstood that I have said that with a desire to wrench power. As Mr. Piraviperumal Pillai said, it is because you are overburdened and because His Highness is deeply interested in us, we want to lighten your burden by sharing it in a more responsible way than hitherto. You always find that the official members here are quite solid while we are divided. Only when responsibility is given to us we will have the desire to go and work on the other side. Then alone we will concentrate on the work in hand. I hope you will consider this aspect of the matter. Again thanking you for the great consideration shown to most of the members like myself whose profession is not talking, I resume my seat.

Mr. E. P. Varghese: Sir, I wish to associate myself with all that has been said by the previous speakers. You, Sir, have very kindly complimented us for the useful work done in the first Council, of the bicameral legislature. May I say that, but for the guidance of the illustrious Presidents we have had, we would not have been able to do such useful work. We are particularly proud that of cur Presidents, you Sir, were one of the best Parlimentarians and under your guidance we were able to do substantial work connected with the legislature. We are very thankful to the official members from whom we had courtesy in abundance. In answering our questions of public interest and also replying to our criticisms strongly levelled against them, we are thankful to the sportsman like spirit of the officials. I can confidently say that none of us represented on the floor of the House any party feeling or interests. The one desire that actuated us was for the welfare of the people of the State and its administration as a whole. In that, we might have used at times some strong expressions, quite unparliamentary. I believe, we will be pardoned for that.

[Mr. E P. Varghese.]

Our thanks are also due to the staff of the Legislature. They rendered us all help and but for their co-operation, we would not have been able to turn out so much good work. Let me also thank our honourable colleagues who have taken part in the discussions on the floor of the House and who have always been very courteous. On very few occassions they got agitated, and during these occasions their criticisms were taken in good spirits.

Sir, we are very proud to close this session under the distinguished Presidency of a person like you. Many of us hope to come again as the representatives of the people either in this House or in the Assembly and carry on the work of the legislature especially under your guidance. I thank you once again for the great indulgence with which we have been treated and the latitute you have shown to us.

Mr. V. S. Arumukham Pillai : I beg to associate myself with all the sentiments expressed by my friends. I also join with my friends and pray God that you, Sir, may be blessed with long life, health and prosperity. I take this opportunity to express my thanks to the Secretary and the staff for their extreme kindness and help shown to us.

Mr. N. Ramakrishna Pillai : Before the Council adjourns I desire to express our feelings, of gratitude to you, Sir, for the very great sympathy, kindness, and consideration you have shown to us in guiding the business of this House. We have come to regard it as a rare privilege and not merely a duty to be here while you were presiding over the Council; and we consider it our good fortune to be associated as members of a Council of which you have been the President. You always found time to sit through the whole course of the proceedings of this House, and while we marvelled at the speed and thoroughness with which business was being conducted, we also felt that we were quite at ease and had always our chance to say whatever we had to say without fear of being met with coldness or technicality. Your presence has always created in us a feeling of joy and has ever been an inducement to contribute our share to the debates in this House. This memory of our association with you, Sir, in this Council, we will always cherish with pride and gratitude.

We acknowledge our indebtedness to the Chief Secretary and the other Official members of this House for the uniform courtesy and consideration we have received at their hands. It has been the task of the learned Law Member to pilot through this House a large number of legislative measures during these years. We have derived great help and guidance from him and we are gratified to hear that his valuable services will still be available to this House.

President : Let me thank you for the very generous and warm-hearted sentiments given expression to here. I shall convey to His Highness all the loyal sentiments to which expression was given by the honourable members of this House. Let me also wish this House and every member of the House all prosperity and success. The Council will now stand adjourned *sine die.*

The Council adjourned *sine die* at 4 25 P. M.

P. PARAMESVARAN PILLAI,
Secretary to the Sri Chitra State Council.

Annexure

THE TRAVANCORE AGRICULTURISTS' RELIEF BILL.

(*As passed by the Sri Mulam Assembly.*)

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THE TRAVANCORE AGRICULTURISTS' RELIEF BILL.

(As passed by the Sri Mulam Assembly).

A REGULATION TO MAKE CERTAIN PROVISIONS IN RELIEF OF AGRICULTURAL INDEBTEDNESS.

Preamble.

Whereas it is expedient to make certain provisions in relief of agricultural indebtedness; It is hereby enacted as follows :

PART I.

PRELIMINARY.

Short title and commencement.

1. (*a*) This Regulation may be called " The Travancore Agriculturists' Relief Regulation "

(*b*) It shall come into force at once.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context,

(*a*) 'Agriculturist' means a person

(i) who earns his livelihood mainly by agriculture and also is either an owner or a tenant of agricultural land in Travancore or a servant of such owner or tenant, or

(ii) who earns his livelihood as a village menial paid in cash or in kind for work connected with agriculture ;

and every junior member who as such becomes jointly liable with the *Karanavan* or manager who is an agriculturist for the purpose of making the debt incurred binding on the *tarwad* or joint Hindu family shall for the purposes of such debt be deemed to be an agriculturist under this Regulation even though he may otherwise be a non-agriculturist.

Explanation.—A person shall not be deemed to be a non-agriculturist for the mere reason that he does not cultivate his lands himself or lives on rent or follows some other calling in life.

Exception. – Juristic persons, such as *e. g.* Joint Stock Companies and Devaswoms holding land shall not be deemed to be agriculturists for the purpose of this Regulation.

(*b*) Agriculture includes horticulture and the use of land for any purpose of husbandry inclusive of the keeping or breeding of live-stock, poultry or bees and sericulture and the growing of fruits, vegetables and the like.

(*c*) 'Board' means a Debt Conciliation Board established under the provisions of this Regulation.

(*d*) 'Creditor' means a person to whom debt is owing.

(*e*) 'Debt' means any liability of an agriculturist, due in cash or in kind, secured or unsecured, payable under a decree or order of a Civil Court or otherwise, and whether mature or not, but shall not include—

(i) any debt or other liability due to Our Government, or

(ii) any land revenue or anything recoverable as an arrear of land revenue, or

(iii) any amount for the recovery of which a suit or application is barred by the Law of Limitation for the time being in force, or

(iv) except for purposes of Part II of this Regulation

(*i*) any debt incurred for purpose of trade, or

(*ii*) any debt due to a Co-operative Society, or

(*iii*) any debt arising out of any transaction of the nature of a lease including a *kanapattom* transaction falling within the purview of the Travancore Jenmi and Kudiyan Regulation of 1071.

(*f*) 'Debtor' means an agriculturist by whom a debt is owing.

(*g*) 'Prescribed' means prescribed by rules made by Our Government under this Regulation.

PART II.

Debt Conciliation.

Setting up of Debt Conciliation Boards.

8. (1) (*a*) Our Government may, for the purpose of amicable settlement between debtors and their creditors and among the creditors *inter se*, if there be more than one creditor of the same debtor, (hereinafter called conciliation) establish Debt Conciliation Boards.

(*b*) Our Government shall define the local limits of the area in which a Board shall have jurisdiction.

(*c*) Our Government may determine the pecuniary jurisdiction of any Board.

(*d*) The Board shall consist of only one member (hereinafter called Conciliation Officer) who is either an officer or is appointed as an officer in the service of Our Government.

(2) Our Government may cancel the appointment of any Conciliation Officer or dissolve any Board.

(3) (*a*) Our Government shall notify in Our Government Gazette the establishment of a Board and the appointment of the Conciliation Officer, and the Board shall be deemed to have been established and the Conciliation Officer appointed from the date specified in such notification.

(*b*) Our Government shall notify in Our Government Gazette the cancellation of the appointment of any Conciliation Officer.

(*c*) Our Government shall notify in Our Government Gazette the dissolution of a Board; and, from the date specified in such notification, the Board shall cease to exist.

(4) Where a Board is dissolved or otherwise ceases to exist, Our Government may at any time establish another Board for the area for which the former Board was established and may declare the Board

newly established to be the successor in office of the Board which has ceased to exist, and such Board shall exercise all the powers under this Regulation.

Application for conciliation.

4. (1) A debtor may make an application for conciliation to the Board established for the area within which he ordinarily resides or, if no Board has been established for that area, to the Board established for any area in which he holds immovable property, but he shall not apply to more than one Board.

(2) Unless the debtor has already made an application under sub-section (1), any of his creditors may make an application to a Board to which the debtor might have applied under that sub-section.

(3) If applications for conciliation in respect of the same debtor are made to more than one Board, such applications shall, in accordance with rules made by Our Government under this Regulation, be transferred to, and dealt with by, one Board as one single application.

(4) No application shall be made under sub-section (1) or sub-section (2) unless the application includes a debt in existence on the date of the commencement of this Regulation.

Manner of application.

5. Every application to the Board shall be in writing and be signed by the applicant and verified in the manner prescribed by the Code of Civil Procedure, 1100, for signing and verifying plaints.

Particulars to be stated in application.

6. (1) Every application presented by a debtor to a Board shall contain the following particulars, namely:—

(*a*) the place where he resides and the place or places where he holds immovable property;

(*b*) the amount and other particulars of all claims against him together with the name, address and residence of his creditors;

(*c*) the amount and other particulars of all his property, including claims due to him, together with a specification of the value of such property not consisting of money, and the place or places at which any such property is to be found and details of any mortgage, lien or charge subsisting thereon;

(*d*) a statement that he wants an amicable settlement of his debts; and

(*e*) other particulars, if so prescribed.

(2) Every application presented by a creditor shall contain the following particulars, namely:-

(*a*) the place where the debtor resides or holds immovable property;

(*b*) the amount and other particulars of his claim against such debtor;

(*c*) a statement that the debtor is unable to pay his debts or that he (the creditor) wants an amicable settlement of the debts due to him; and

(*d*) other particulars, if so prescribed.

Procedure on receipt of application.

7. (1) On receipt of an application under Section 4, the Board shall pass an order fixing a date and place for hearing the application.

(2) Notice of the order under sub-section (1) shall be sent by registered Anchal or Post acknowledgment due as well as in such other manner, if so prescribed, to the debtor and creditors.

(3) If the application is filed by a creditor, the debtor on his appearance shall furnish the particulars mentioned in sub-section (1) of Section 6, and notice shall be sent to all creditors specified by him.

Notice calling upon creditors to submit statement of debts.

8. If, after examining the debtor, it is, in the opinion of the Board, desirable to effect a conciliation, the Board shall issue, and serve or publish, in the manner prescribed, a notice calling upon every creditor of the debtor to submit a statement of debts owed to such creditor by the debtor. Such statement shall be in writing and shall be signed and verified in the manner prescribed by the Code of Civil Procedure, 1100, for signing and verifying claims and shall be submitted to the Board within one month from the date of service or publication of the notice as the case may be:

Provided that, if the Board is satisfied that any creditor was, for good and sufficient cause, unable to comply with such directions in due time, it may extend the period for the submission of his statement of the debts owed to him.

Procedure on submission of statement of debts.

9. (1) Every creditor filing in compliance with a notice issued under Section 8 a statement of the debts owed to him shall furnish, along with such statement, full particulars of all such debts, shall at the same time produce all documents, including entries in books of account, on which he relies to support his claims, together with a true copy of every such document:

Provided that the Board may exempt for sufficient reasons any creditor from producing any such documents.

(2) The Board shall, if so desired by the creditor, after marking, for the purpose of identification, every original document so produced and verifying the correctness of the copy, retain the copy and return the original to the creditor.

10. (1) The Board shall call upon the debtor and each creditor to explain his case regarding each debt.

Board to attempt conciliation.

(2) If there is a dispute as to the existence or quantum of the debt due to any creditor or the assets of any debtor, the Board may decide the matter after taking such evidence as is adduced by all the parties concerned, and such decision shall be binding on all parties in all proceedings before the Board:

Provided that a decree of a Civil Court relating to a debt shall be conclusive evidence as to the existence and amount of the debt.

(3) The Board shall prepare a complete schedule of the creditors and the assets and liabilities of the debtor.

Power of Board to take evidence.

11. (1) Subject to rules, if any, made by Our Government under this Regulation, a Board may exercise all such powers connected with the summoning and examining of parties and witnesses and with the production of documents as are conferred on a Civil Court by the Code of Civil Procedure, 1100.

(2) Any person present may be required by a Board to furnish any information or to produce any document then and there in his possession or power.

(3) Every proceeding before the Board shall be deemed to be a judicial proceeding.

Conciliation between debtor and creditor and creditors *inter se*.

12. It shall be the function of the Board to propose and make a conciliation of all the debts, (including a settlement as to the manner of fully discharging the debts) as between the debtor on the one hand and the creditor or creditors on the other, and as among the creditors *inter se*, if there are more creditors than one.

Matters to be considered in conciliation.

13. In proposing and making the conciliation, the Board may take into consideration the following *inter alia*, namely:—

(*a*) the equities of the debt transactions concerned,

(*b*) the amount of each of the debts,

(*c*) the amount of interest already paid, particularly after the commencement of the year 1105 M. E.

(*d*) the amount of the interest that has been allowed to accumulate,

(*e*) the duration of the transaction,

(*f*) the character of the debt, as for example, whether it is secured or unsecured, and the purpose of the debt,

(*g*) the ability of the debtor to pay,

(*h*) the availability of assets out of which the debts may be realised,

(*i*) the occupation, needs and other economic conditions of the creditor,

(*j*) the needs of the debtor and the necessity for leaving, as far as possible, a margin of property for the debtor's subsistence.

When transactions may be re-opened.

14. If, in the opinion of the Board, there are reasonable grounds to suspect inequity in any transaction, such as, for example, that it is tainted by fraud, misrepresentation, undue influence, coercion, mistake of fact, or collusion, the Board shall, in proposing and making the conciliation, go into the history of the transaction and may, in view of such history, reduce or disallow interest or even scale down the principal.

Explanation. – Nothing in this Section is intended to prohibit any disallowance of any claim on the ground that the transaction concerned is vitiated by fraud, misrepresentation, undue influence, coercion, mistake of fact or collusion and is therefore invalid in law.

15. (1) The manner of the conciliation shall be in the discretion of the Board and may, for example, be as follows :

Methods of conciliation.

(*a*) that the debtor pay the creditor or creditors forthwith, or within a time to be fixed by the Board, a lump sum in cash in full settlement of all the debts, the amount of such lump sum being fixed by the Board having regard to the facts enumerated in Section 13 and to the amount which the debtor may raise by mortgaging his entire properties to the State Land Mortgage Bank or to some such recognised institution, or

(*b*) that a portion, say one-fourth of the assets of the debtor be left to the debtor free from all liability for his debts and the balance left to the creditor or creditors to be appropriated by them or to be sold and the sale proceeds distributed amongst them, it being also laid down how the property, or the sale proceeds, as the case may be, shall be distributed amongst the creditors, if there are more creditors than one, or

(*c*) that the debtor pay either the entire amount of the debts, or a reduced amount in full settlement in instalments spread over a number of years to be fixed by the Board, the debtor giving security for the due payment of the instalments and it being provided that, if any instalment is defaulted, such instalment and interest thereon alone be recovered, but that, if three consecutive instalments are defaulted, the entire amount remaining due be recovered:

Provided that under no circumstances shall any reduction be made with respect to debts incurred after the date of the commencement of this Regulation except with the consent of the creditor.

(2) In any scheme of conciliation, such properties as are exempt from attachment under the Code of Civil Procedure, 1100, shall not be taken into account and shall be left to the debtor free from liability for his debts.

Conciliation agreement.

16. (1) If the debtor and the creditor or the creditors appearing before the Board agree to the conciliation proposed by the Board, it shall be reduced to writing in the form of an agreement and shall be signed by the debtor and the creditor or creditors and shall also be signed or otherwise authenticated by the Board. Such agreement shall, subject to the rules, if any, made by Our Government, be registered according to the law relating to the registration of documents for the time being in force and filed in the court of the District Munsiff having jurisdiction over the area in which the debtor ordinarily resides and shall have the force of a decree passed by such court in a suit in which the persons who have so signed the agreement or are deemed

18. Upon the certificate being filed or a copy of it being produced it shall be open to the creditor or any of the creditors to apply to the Court to call upon the debtor to deposit in Court the amount mentioned in the certificate as the fair amount for settlement by cash payment. Upon such application being made, the Court shall order the debtor to make the deposit within such time as it may think reasonable not exceeding, in any case, three months from the date of the order to make the deposit. The deposit so made in such time shall be deemed to be in full settlement of such claims of the creditor as are dealt with in the certificates.

Deposit of debts upon certificate.

Explanation.—The deposit so made shall not be liable to be proceeded against for the claims of any other person against the debtor.

19. If, in respect of any debt covered by the certificate of the Board, the creditor institutes a suit or makes an application (not being an application under Section 18) in any Civil Court, such Court, having regard to the certificate and the conduct of the parties in connection therewith, may, in its discretion, disallow in whole or in part the costs of the suit or of the application, as the case may be, and may also, in its discretion, reduce the amount of the interest remaining due for the period from and after 1st Chingom 1105 up to the date of the decree or order of the application, as the case may be, by reducing the rate of the interest to any rate which is not less than either one-half of the stipulated rate or four per cent. per annum whichever is higher.

Power to disallow costs and future interest if certificate not accepted.

20. (1) An application under Section 4 may be dismissed by the Board at any stage of the proceedings—

Dismissal of applications.

(*a*) if, in the opinion of the Board, the applicant fails to pursue his application with due diligence:

Provided that, when such applicant is a creditor, the Board, instead of dismissing such application, may substitute the debtor or any other creditor, who shall thereafter be deemed to be the applicant for the purposes of this Regulation ; or

(*b*) if, for reasons to be stated in writing, the Board considers it not desirable or practicable to effect a conciliation ; or

(*c*) if the application includes a claim which, in the opinion of the Board, is collusive and intended to defraud any creditor.

(2) Notwithstanding anything in sub-section (1), the application shall be deemed to have been dismissed if within the prescribed period the application has not been disposed of by the Board :

Provided that this sub-section shall not apply for a period of three months after the prescribed date where the conciliation officer, for

reasons to be recorded in writing, orders that an extension of the prescribed period is necessary in the general interests of the parties before him.

Bar to successive applications.

21. If once an application has been made by any person under Section 4 and disposed of, no Board shall entertain an application from any person in respect of the same debtor within two years from the date of the disposal of the first application.

Consequence of refusal to submit statement of debts to Board.

22. If, in compliance with a notice under Section 8 proved to have been served on him, a creditor does not duly furnish the statement of the debts owed to him, any conciliation agreement effected under Section 16 specifically providing for the debts owed to such creditor, shall have effect, as regards such creditor also, exactly as if he had appeared and agreed to the conciliation and signed the conciliation agreement:

Provided that, if the creditor proves to the satisfaction of the Board, wherever the question arises before the Board, or to the satisfaction of the Court, wherever the question arises before a Civil Court, that he had sufficient cause for not furnishing the statement, the Board or the Court, as the case may be, may proceed as if no conciliation agreement had been entered into in regard to the debts owed to him.

Bar of appeal and revision.

23. No appeal or application for revision shall lie to any Court against any order passed by the Board.

Decision of Board as to status of agriculturist how far conclusive.

24. The decision by a Board that a person is or is not an agriculturist shall be conclusive for all the purposes of the Board and for the purposes of all proceedings arising out of any conciliation or certificate recorded by the Board.

Explanation.—If for any other purpose the question arises before any Court of law whether a person is or not an agriculturist, the Court shall decide the question for itself and such decision shall be liable to be appealed against as a decree of the Court.

Power of Board to review.

25. A Board may, on the application of any person interested, review any order passed by it (not being a certificate recorded by the Board under Section 17) and pass such order as it thinks fit:

Provided that it shall not under this Section pass an order reversing or modifying any order affecting any person interested without giving such person an opportunity of being heard:

Provided, further, that no application for review shall be entertained if presented more than three months from the date on which the applicant came to know of the order after the date of the order which the person interested seeks to have reviewed.

26. No Civil Court shall—

Bar of civil suits.

(a) question the validity of any procedure of a Board, or

(b) entertain a suit by any person to recover any amount due under, or any debt covered by, a conciliation agreement binding on him.

Explanation.—Nothing in this Section is intended to affect the right contemplated in the proviso to sub-section (2) of Section 16 or in the proviso to Section 22.

Appearance before Board by agent or legal practitioner.

27. In any proceedings before a Board, any party may be represented by an agent authorised in writing or by a legal practitioner.

Bar of suits while application for conciliation is pending.

28. Except for special reasons to be recorded in writing, no court of law shall entertain, or allow to be prosecuted, any suit, application for the execution of a decree or other proceedings for the recovery of any debt for the settlement of which an application is pending before a Board.

Application may be made to Board even during pendency of proceedings before Court.

29. The pendency of any suit or any application for the execution of a decree or any other proceedings in any court of law for the recovery of any debt shall not be a bar to any party to such proceedings to making an application to a Board as provided in this Regulation.

Extension of limitation.

30. The time occupied by the proceedings before a Board for the settlement of any debt, the time during which any application under Section 18 is pending disposal and the time during which a person is debarred by Section 28 from instituting or prosecuting a suit, an application for the execution of a decree or other proceedings shall be excluded in computing the period of limitation prescribed for any suit, application or other proceedings in respect of the debt by the law of limitation for the time being in force.

Board members to be public servants.

31. The members of Board shall be deemed to be public servants within the meaning of the Travancore Penal Code.

Power to make rules.

32. (1) Our Government may make rules to carry out the purpose of this Part of this Regulation.

(2) Without prejudice to the generality of the foregoing power Our Government may make rules—

(a) prescribing the pecuniary and local jurisdictions of Boards,

(b) regulating the procedure of Boards,

(c) prescribing the charges to be made by Boards for anything done under this Regulation and the persons by whom and the manner in which such charges shall be paid,

(d) prescribing the records to be kept and the returns to be made by Boards,

(e) providing for the transfer of any application for concilation from one Board to another, for one or more such applications being dealt with together, or for any class of such applications being dealt with by any specified Board,

(f) prescribing the place at which and the manner in which an agreement shall be registered,

(g) prescribing the form for agreements under Section 16 and certificates under Section 17,

(h) prescribing the fees for the execution of decrees declared as such under the provisions of Section 16,

(i) prescribing forms for notices to be issued by Boards and the proceedings of Boards,

(j) generally for the purpose of carrying into effect the provisions of this Part of this Regulation, and

(k) providing for any matter for which rules may be made.

(3) The power, conferred by this Section, of making rules is subject to the condition that the rules be made after previous publication.

(4) In making any rule, Our Government may direct that a breach thereof shall be punishable with fine which may extend to fifty rupees, and where the breach is a continuing one with further fine which may extend to ten rupees for every day after the first during which the breach continues.

PART III.

Temporary provisions regarding Execution of decree and interest.

Recovery of debt in instalments.

33. (1) Notwithstanding anything in any law, contract, decree or order of Court, for a period of three years from the date of the commencement of this Regulation, it shall be lawful, having regard to the circumstances mentioned below, for any Court executing a decree not being a decree declared as such under Section 16 to order that any money recoverable under the decree from a debtor be recovered in such number of instalments not exceeding twenty-four and spread over a period, not exceeding twelve years in any case, as the Court may in its discretion fix. It shall also be lawful during the said period of three years to revise from time to time the number of instalments once fixed by the Court. The circumstances referred to are the following ;

(i) The amount of the money recoverable under the decree.

(ii) The period for which the decree and the transaction which is the basis of the decree have been outstanding.

(iii) That adequate security has been given for the amount.

(iv) That the debtor has been making honest efforts to make payment.

(v) That the debtor has executed any document with a view to defeat or delay, or having the effect of defeating or delaying, his creditors.

(vi) The need and other economic conditions of the decree-holder .

(vii) That the decree-holder is prepared to accept in full settlement the amount that the debtor may raise from the State Land Mortgage Bank or any other such institution by mortgaging his entire properties.

(viii) That the debtor is prepared to pay the first instalment in cash forthwith or that he is not prepard to pay such first instalment, or any portion of it, forthwith or within such time as the Court may fix.

(2) No Court shall order under sub-section (1) that any money recoverable under a decree be recovered in instalments unless the debtor's entire properties, if any, (except such property which by or under any law for the time being in force is exempt from attachment and sale in execution of the decree) are placed under attachment or, if the debtor so elects, the debtor gives all his properties as security or gives adequate security to the satisfaction of the Court for the realisation of the entire money recoverable under the decree and unless the debtor pays forthwith the full amount of the proposed first instalment or such portion of it as may be fixed by the Court.

(3) Whenever any debtor makes default in payment of the amount of any instalment fixed under sub-section (1), the Court shall, except for reasons to be recorded in writing, order the recovery of the amount of such instalments alone as have been defaulted, together with the interest, if any, thereon. But if three instalments have been defaulted consecutively, the Court shall except for reasons to be recorded in writing, order that the entire amount remaining recoverable under the decree together with interest, if any, thereon shall be recovered in a lump sum:

Provided that nothing in this Section shall apply to any decree passed for the recovery of any debt incurred after the commencement of this Regulation.

Limitation of interest on past debts.

34. Notwithstanding anything in any law, contract, decree of order of Court, no interest shall accrue, or be permitted to be recovered as accruing, for a period of three years from the date of the commencement of this Regulation, in respect of any debt (not due in paddy or grain) in existence on such date, at any rate exceeding six per cent. per annum.

Explanation.—If the rate of interest recoverable, if this provision had not been enacted, exceeds the rate of six per cent. per annum, interest shall accrue and be permitted to be recovered as accruing at the rate of six per cent. per annum. But if the rate of the interest recoverable be six per cent. per annum or less, the interest shall be at that rate.

Limitation of interest on future debts.

35. Notwithstanding anything in any law, contract, decree or order of Court, no interest shall accrue, or be permitted to be recovered as accruing for a period of three years from the date of the commencement of this Regulation, in respect of any debt arising after such date at any rate exceeding six per cent. per annum if the debt be a secured debt, or nine per cent. per annum if the debt be an

unsecured debt, provided that, in the case of decree debts, the interest shall in no case exceed six per cent per annum for the said period o three years.

Explanation.—If the rate of interest recoverable, if this provision had not been enacted, be more than six per cent. per annum or nine per cent. per annum, as the case may be, the interest shall accrue and be permitted to be recovered as accruing at six per cent. or nine per cent per annum, as the case may be. But if the interest be recoverable be six per cent. or less or nine per cent. or less, as the case may be, the interest shall be at such rate.

Limitation of interest on past paddy loans.

36. Notwithstanding anything in any law, contract, decree or order of Court, no interest shall accrue, or be permitted to be recovered as accruing, for a period of three years from the date of the commencement of this Regulation, in respect of any debt, due in paddy or grain, and in existence on such date, at any rate exceeding nine per cent. per annum.

Explanation.—If the rate at which interest is recoverable, if this provision had not been enacted, exceeds nine per cent per annum, interest shall accrue and be permitted to be recovered as accruing at the rate of nine per cent. per annum. But if the rate of interest recoverable be nine per cent. or less, the interest shall be at that rate.

PART IV.

AMENDMENT OF THE CODE OF CIVIL PROCEDURE, 1100, REGARDING EXECUTION OF DECREES.

Amendment of Civil Procedure Code.

37. In the Code of Civil Procedure, 1100,—

After Section 48, the following Section shall be inserted namely:—

Limitation of the arrest of agriculturists.

"48 A (1) Notwithstanding anything in this Part, the Court shall not order the arrest or detention in the civil prison of any agriculturist in execution of any decree for the payment of money unless, after giving him an opportunity of showing cause why he should not be committed to prison, the Court, for reasons recorded in writing, is satisfied—

(*a*) that he, with the object or effect of obstructing or delaying the execution of the decree,

(i) is likely to abscond or leave the local limits of the jurisdiction of the Court; or

(ii) has, after the institution of the suit in which the decree was passed, dishonestly transferred, concealed or removed any part of his property or committed any other act of bad faith in relation to his property; or

(*b*) that he has or has had since the date of the decree the means to pay the amount of the decree or some substantial part thereof and refuses or neglects or has refused or neglected to pay the same ; or

(*c*) that the decree was passed on the basis of, or on account of, a transaction entered into by him on an express statement in writing that he is not an agriculturist , or

(*d*) that the arrest or detention applied for is in enforcement of any liability arising out of any transaction entered into with any Co-operative Society ; or

(*e*) that the decree is for a sum for which the judgment-debtor was bound in a fiduciary capacity to account.

(2) Nothing in sub-section (1) shall apply in the case of any decree for the payment of money passed on the basis of, or on account of, any transaction entered into before the commencement of the Travancore Agriculturists' Relief Regulation. But, in the execution of any such decree, the Court shall not order the arrest or detention in the civil prison of any agriculturist if he submits to the Court a declaration in writing that he is not able, without time being allowed, to pay up the decree amount and submits also a list of his entire properties, movable and immovable, (except such property which by or under any law for the time being in force is exempt from attachment and sale in execution of the decree) with particulars sufficient to identify them, undertaking in writing not to alienate or encumber any of such properties without specific authority granted by the Court to do so. If he has not submitted such a declaration or such list or has not given such undertaking or if it is proved at any time to the satisfaction of the Court that the list is incomplete or incorrect in material particulars or that he has alienated or encumbered any of such properties against the undertaking, the Court may order his arrest or detention in the civil prison.

(3) Wherever the Court has reason to suspect that any person against whom an application for arrest or detention in the civil prison in the execution of any decree for the payment of money is made is an agriculturist, the Court shall, before granting the application, give him an opportunity of showing cause why he should not be committed to prison.

(4) Nothing in this Section is intended to permit the arrest or detention in civil prison of any agriculturist if such arrest or detention is prohibited by any other provision of law.

Explanation.—(i) "Agriculturist" means an agriculturist within the meaning of the Travancore Agriculturists' Relief Regulation.

(ii) in the calculation of the means of the judgment-debtor for the purpose of clause (*b*) of sub-section (1), there shall be left out of account any property which by or under any law for the time being in force is exempt from attachment or sale in execution of the decree."

PART V.

Mortgage and Lease Back.

Otties may be treated as hypothecations

38. If any transaction which is in existence on the date of the commencement of this Regulation and which purports to be an usufructuary mortgage (*Otti*) is proved to have been intended to be only a hypothecation, such transaction shall notwithstanding any law or custom to the contrary, be treated, for a period of three years from such date, as a hypothecation which came into existence on such date :

Provided that nothing in the Section shall exempt the mortgagor from liability to arrears of pattom, if any, due in respect of such transaction for any period previous to such date.

Illustration.—A lent Rs. 1,000 to B and took an usufructuary mortgage of B's property and leased the mortgaged property to B reserving an annual pattom of Rs. 120 intending to provide thereby for the interest due on the money lent; and this transaction is in existence on the date of the commencement of this Regulation. This transaction may, for a period of three years from the date of the commencement of this Regulation, be treated as a hypothecation that came into existence on such date ; and during that period the rights between the parties may be adjusted on that basis.

Annexure I.

MINUTES OF THE MEETING OF THE STANDING FINANCE COMMITTEE, HELD ON MONDAY, THE 9TH NOVEMBER, 1936.

A meeting of the Standing Finance Committee of the Sri Chitra State Council and the Sri Mulam Assembly was held in the Dewan's room, Public Offices, at 11-30. A.M on Monday, the 9th November, 1936.

Sir C. P. Ramasvami Aiyar, K. C. I. E.,
Dewan-President, presided.

The following members were present:—

1. V. S. Arumukham Pillai Esq., B. A., B. L.,
Member, Sri Chitra State Council.
2. Pottayil S. Krishna Panickar Esq., B. A., B. L.,
Member, Sri Mulam Assembly.
3. Pacode A. Narayana Pillai Esq., B. A., B. L.,
Member, Sri Mulam Assembly
4. Rao Bahadur Dr. N. Kunjan Pillai, M. A., B. SC., Ph. D.,
Chief Secretary to Government.
5. Rao Bahadur A. Rangasvami Aiyar B. A.,
Financial Secretary to Government.

Before the Committee proceeded with the business, Mr. Pacode A. Narayana Pillai raised a preliminary point of order as to whether the President of the Committee, who is also the President of the Assembly and the Sri Chitra State Council, can preside *before* taking the oath or affirmation in either Chamber of the Legislature. The President gave the following ruling:—

"When the Finance Committee met at 11-30 this morning, a preliminary point of order was raised to the effect that this meeting was technically out of order inasmuch as the Dewan, not having taken the affirmation in terms of Rule 23 of the Electoral Rules, cannot be regarded as the President of the Assembly and of the Council, and, as it is the President of the Legislature who alone can preside over the Finance Committee and not the Dewan as such,—the Dewan cannot preside over the Finance Committee.

I have considered the point and as it is a matter of some importance, I proceed to give my considered ruling on the point.

It will be remembered that in construing these provisions, the most important document that has to be interpreted is Regulation II of 1108 which establishes the Chambers of the Legislature in Travancore. Analysing that Regulation, it will be found that, under Section 6, the Assembly is to consist of members nominated and elected in accordance with Rules made under the Regulation. And the total number of members of the Assembly is fixed at 72. It is common ground that this number 72 does not include the Dewan, as indeed is obvious from what follows in sub-clause (2) which indicates the number and composition of the official and non-official elements of the Assembly. The sentence which follows lays down that the number of nominated members shall not be more than 24, of whom 12 shall be officials. Section 7 of the Regulation lays down that "Our Dewan shall be the President of the Assembly." It must be remembered that the Dewan is not included among the nominated members as, for instance, members of the Executive Council are included under the Government of India Act.

When, in a Statute, there are two separate provisions, one provision not referring to nor logically dependent on the other, the two provisions must be construed separately. It is clear that the composition of the Assembly, in the matter of nominated and elected members, specified in Section 6, is not interconnected with Section 7. In other words, the Dewan who is the *ex-officio* President of the Assembly is to be such President although he is neither a nominated nor an elected member by virtue of Section 6 and his Presidentship is regulated by Section 7.

I am told that the practice has been for the Dewan to take the oath or affirmation. The validity of that practice has to be examined separately. But, in regard to the question now under consideration, I have no hesitation in saying that the Dewan is not within the category of persons specifically referred to in Section 6. If that is so, nothing else in any Rule or Regulation can affect the interpretation of the Statute. Even if there be any doubt arising by reason of the interpretation of the Electoral Rules or any other rule made under the Statute, to the extent to which those Rules are inconsistent with or repugnant to the terms of the Statute, they will be inoperative *ipso facto*. But, analysing the Rules and the Regulation, I find no difficulty and no inconsistency.

My ruling, therefore, is that the Dewan is the President of the Assembly, and functions as the *ex-officio* President of the Assembly, from the moment that His Highness was pleased to appoint him as Dewan and gave the *Neet*. I therefore hold that I am entitled to preside at this meeting of the Finance Committee which, it may be added, is not a statutory body.

It may be noticed that, if the point now raised were accepted, the Dewan could not admit or reject any question or resolution for the forthcoming meeting. This is no doubt an *argumentum ab inconvenienti*, and cannot affect the construction of the Statute as such. But it is a

well-recognised rule of law that, where there are two possible constructions of a Statute, the one which produces obvious inconvenience should be rejected in favour of the one which does not produce such inconvenience. "

The Committee next proceeded with the business.

I. The proposal for additional allotment to the Public Service Commissioner was considered first. The following additional grants were asked for ,—

		Rs.
Contingencies.—		
Examination charges	..	3,000
Purchase and repair of furniture	...	500
Pay of menials	...	150
Anchal charges	...	700
Maintenance of electrical installation	...	500
Office expenses and Miscellaneous	...	300
		5,150

Establishment.—

Clerks	1 on Rs. 75-5/2-100	
	2 on Rs. 40-2-70	
	9 on Rs. 25-3/2-40	
Typist	1 on Rs. 25-3/2-40	1,314
Attender	1 on Rs. 15-1/3-20	
Peons	2 on Rs. 9-1/6-11	
	Total ...	6,464

In this connection, Dr. G. D. Nokes, the Public Service Commissioner, was summoned before the Committee to enlighten the members on certain points in connection with the additional expenditure. After some discussion, the Committee approved only the following items of expenditure :—

Contingencies.

		Rs.
Examination charges	...	2,000
Purchase and repair of furniture	...	500
Pay of menials	...	150
Anchal charges	...	700
Maintenance of electrical installation	...	500
Establishment.—	...	1,314
Total	...	5,164

As it was not considered necessary to hold another examination in the next six months for the selection of English-knowing clerks, only a reduced allotment of Rs. 2,000 was approved by the Committee. The non-official members said that there was a sort of general dissatisfaction about the conduct of the last examinations by the Public Service

Commissioner and that they were being run as a commercial concern. They objected to the provision under Office expenses and miscellaneous for payment of bonus to clerks and the Committee agreed to drop the proposal. Mr. Pottayil S. Krishna Panickar objected to the provision for the three clerks in the higher grades.

II. The Committee next approved the proposal for the provision of a sum of Rs. 3,500 as per the following details in connection with the Research Scheme of the root diseases of the cocoanut palm in South India, financed by the Imperial Council of Agricultural Research, New Delhi :—

			Rs.
1.	Purchase of chemicals and appliances	...	1,500
2.	Purchase of books and periodicals	...	1,500
3.	Wages to coolies	...	500
	Total	...	3,500

III. The proposal for the provision of a sum of Rs. 4,980 on account of the acquisition of land for the construction of customs house, godowns and wharves in connection with the opening of a Port at Neendakara was approved by the Committee. In this connection, the non-official members urged the desirability of improving and developing the Ports of South Travancore. The President observed that it was the idea of Government to investigate the question of improving the Ports to the South of Alleppey.

IV. The proposal for the provision of a sum of Rs. 11,998 in the Budget for the maintenance and working of the Grab Dredger for the Alleppey Port for the rest of the year 1112 M. E. was accepted by the Committee. Mr. Pottayil S. Krishna Panickar said that the sea at Alleppey is very boisterous and that it would not be safe to keep the Dredger in the open sea. Rao Bahadur Dr. N. Kunjan Pillai said that the Chief Engineer will be asked about this.

V. The Committee approved the proposal for the provision of a sum of Rs. 51,880 for the completion of the construction of permanent buildings for the Leper Colony at Noornad. Incidentally, the President observed that unfortunately the incidence of leprosy in the State was high and that no time should be lost in regard to the completion of the buildings at Noornad.

2. A list of the items of expenditure authorised by the Government, under Section 32 of the Legislative Reforms Regulation, II of 1108, after the last session of the Sri Mulam Assembly was circulated among the members of the Committee, as undertaken by the Chairman at the last meeting of the P blic Accounts Committee. There was no discussion of the same.

3. The business being finished the Committee adjourned *sine die* at 12-55 P. M.

K. MADHAVA KURUP,
Convener,
Standing Finance Committee.

Trivandrum,
14th November 1936.

Annexure II

REPORT

OF THE

PUBLIC ACCOUNTS COMMITTEE ON THE AUDIT AND APPROPRIATION ACCOUNTS OF 1110 M. E.

G. O. D. Dis. No. 297 of 35/Legis., dated 7th September 1935 and D. Dis. No. 126 of 36/Legis., dated 12th June 1936.

PUBLIC ACCOUNTS COMMITTEE.

Read :—

Under Section 79 of the Travancore Legislative Rules issued under date the 29th October 1932, the Government of His Highness the Maharaja have been pleased to constitute a committee on Public Accounts composed of the following members for the year 1111 M. E.

1. Khan Bahadur Nawab Sir, Muhammad Habibullah Sahib Bahadur, K. C. S. I., K. C. I. E., Kt., LL.D., Dewan of Travancore—Chairman.
2. Rao Bahadur Dr. N. Kunjan Pillai, M. A., B. Sc , Ph. D., Chief Secretary to Government.
3. Rao Bahadur A. Rengasvami Aiyar, B. A., Financial Secretary to Government.

Non-official.

M. R. Ry. K. N. Kesavan Namputiripad Avl., M. A., B, L., Member Sri Chitra State Council.

,, K. Kunjukrishna Pillai Avl., B. A., B. L., Member, Sri Mulam Assembly.

,, T. Krishna Pillai Avl., B. A., B. L., Member, Sri Mulam Assembly.

By Order,
N. KUNJAN PILLAI,
Chief Secretary to Government.

REPORT

OF THE

PUBLIC ACCOUNTS COMMITTEE ON THE ACCOUNTS OF 1110 M. E. (1934-35).

1. The Committee on Public Accounts for the year 1111 constituted under Government orders D. Dis. No 297 of 35/Legis., dated 7th September 1935 and D. Dis. No. 126/36/Legis., dated 12th June 1936 held its sittings on 17th June 1936 and 19th June 1936.

2. The Audit and Appropriation Report for the year 1110 prepared by the Account Officer was examined in detail.

PART I.

Appropriation accounts.

Camparison of the actuals with grants.

3. The following table compares the total grants voted by the Legislature with the total expenditure against those grants.

Particulars.	Expenditure charged to Revenue including working expenses.	Capital Expenditure and Investment Account.	Loans and Advances.	Total.
	Rs.	Rs.	Rs.	Rs.
Amount originally voted	1,55,34,931	29,97,578	5,28,000	1,90,60,509
Supplementary grant voted	1,15,362	1,28,800	..	2,44,162
Additional grant under Section 32	1,99,882	60,000	..	2,59,882
Total grant	1,58,50,175	31,86,378	5,28,000	1,95,64,553
Total Expenditure	1,53,06,762	31,81,784	3,00,984	1,87,89,530
Savings	5,43,413	4,594	2,27,016	7,75,023

During the year an improvement was noticeable in budget forecasting as compared with the previous year. *Vide* statement given below:—

Year.	Total No. of grants.	No. in which savings occured.	Amount of savings.
1109	35	32	23,39,505
1110	35	28	7,75,023

New services.

4. Under rule 10 of the Public Accounts Committee (Supplemental) rules, the Financial Secretary had placed before the committee a list of supplementary grants obtained by the Government during the year 1110 for schemes of new expenditure treated as "new services" for the opinion of the committee whether they were new services or not. We agreed with the Financial Secretary as regards the items included in the list excepting Mr. K. Kunjukrishna Pillai who was, however, of opinion that items 1 and 2, *viz.*, "For the opening of a Special Survey Class" and "For the printing of 500 copies of the wall map of Travancore" were not new services which could not have waited till the regular budegt session.

Supplementary grants obtained unnecessarily.

5. The statement of supplementary grants obtained unnecessarily is given below :—

No. of grant.	Name of grant.	Original grant.	Supplementary and additional grant voted.	Supplementary and Addl. grant sanctioned under Sec. 32 of Reg. II of 1108	Final grant.	Actual expenditure.	Savings as compared with the original grant.
I	20. Education	46,04,579	38,644	..	46,43,223	45,71,229	33,350
II	(a) 29. Buildings, communications &c.	26,40,501	8,200	1,29,200	27,77,901	26,04,116	..
	(b) 30. Protective Irrigation	2,87,700	..	..	2,87,700	2,57,515	..
	(c) 34. Irrigation Capital Account	20,300	7,000	..	27,300	32,647	..
	(d) Productive Irrigation Working Expenses	54,000	..	..	54,000	48,534	..
	(e) Willingdon Water Works do.	94,325	..	..	94,325	57,357	..
	(f) Do. Capital Expenditure	3,29,900	..	..	3,29,900	2,44,088	..
	(g) Construction of a Bridge at Nerinmangalam across the Periyar	1,75,000	..	..	1,75,000	1,69,279	..
	Total of Grant No. II.	36,01,726	15,200	1,29,200	37,46,126	34,13,536	1,88,190
IV	22. Industries	1,45,531	..	4,500	1,50,031	1,41,646	3,885
VII	2. Taxes on Income.	22,151	700	...	22,851	19,752	2,392
X	16. Administration of Justice	10,62,894	75	2,551	10,65,520	10,21,435	41,459
XII	15. General Administration—Heads other than Account Office and Legislative Bodies	2,42,254	..	2,500	2,44,754	2,39,623	2,213
XIV	Do. Account Office	1,64,216	..	1,000	1,65,216	1,59,180	5,036
XV	23. Medical, Public Health and Sanitation—Medical	8,44,996	15,000	..	8,59,996	7,91,783	53,213
XXIV	27. Stationery and Printing	2,77,640	11,900	..	2,89,540	2,63,635	14,005
XXV	28. Scientific and Miscellaneous Departments—Co-operative Dept.	79,541	2,165	..	81,706	75,049	4,492
	Total.	1,10,45,528	83,684	1,39,751	1,12,68,963	1,06,96,868	3,48,660

While examining the above statement, we went through the explanations forwarded by the Departmental Officers for having applied for supplementary grants when funds were available under the original grant and found that it was not possible for them to gauge the savings at the time the supplementary grants were applied for. (For further details *vide* paras 4 and 7 of the proceedings.)

Expenditure authorised under Section 32 of Regulation II of 1108.

6. We noted that there was a substantial reduction in the total expenditure authorised during the year under Section 32 as compared with that for the previous year, the amounts being Rs. 2,59,882 only during 1110 against Rs. 5,26,853 during 1109. The question of establishing a convention of consulting the Standing Finance Committee before any item of expenditure was authorised under Section 32 was then discussed. The Chairman agreed that in future a list of the items had been sanctioned under Section 32 during the period between two meetings of the Finance Committee may be placed before the Committee at its next meeting and that the opinion of the representatives of the Legislature in the Committee may be informally taken. (For further details *vide* para 5 of the proceedings.)

7. The expenditure exceeded the final voted grant under the following heads :

Excess Expenditure under Voted Grants.

Grant No.	Name of Grant.	Original Grant.	Supplementary and additional grant voted.	Supplementary and Additional grant sanctioned under Section 32 of Regulation II of 1108.	Diversion.	Final Grant.	Actual Expenditure.	Excess.
	Electricity and Telephone.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
III	Electric Supply and Telephone—Working expenses	1,77,441				1,77,441	2,35,501	
	Electric installation in Government buildings etc.	1,02,089				1,02,089	86,731	
	Investments on Reproductive Works.							
	Trivandrum Electric Supply and Telephone	93,400			(—) 29,200	64,200	70,848	
	Electric Supply to Quilon Town	84,800			(—) 40,800	44,000	45,089	
	Pallivasal Hydro Electric scheme	20,29,878			(+) 70,000	20,99,878	21,70,093	
	Total of Grant No. III	24,87,608				24,87,608	26,08,262	1,20,654
VI	Land Revenue	9,30,505	5,745	6,226		9,42,476	9,44,022	1,546
XVII	23. Medical Public Health and Sanitation—Public Health and Sanitation	2,45,985	200	10,000		2,56,185	2,60,253	4,068
XVIII	8. Registration	3,16,249				3,16,249	3,22,241	5,992
XX	17. Jails	83,700		3,300		87,000	88,221	1,221
XI	19. Ports	21,045				21,045	21,288	243
XXX	Capital Expenditure—Railways	29,600		60,000		89,600	1,05,768	16,168
	Grand Total	41,14,692	5,945	79,526		42,00,163	43,50,055	1,49,892

Excess expenditure under voted grants.

We note that the total amount of excess expenditure during the year was less than that in the previous year, the amounts being Rs. 1,49,892 during 1110 and Rs. 7,63,077 during 1109. The excess expenditure under the grants Land Revenue, Registration, Jails and Ports was due to the payment of leave allowances for which no provision was made in the budget.

The general question of making provision for leave allowances in the budget in future was next discussed. The Committee recommended that the present system might continue, since under the proposed arrangement, the provision for leave allowances was likely to be over-estimated and reappropriated to other items within the grant in order to avoid supplementary demands. Further, the present system is more economical than the practice in British India of including provision for leave salary in the cadre itself.

Variations between Budget and Actuals.

8. The explanations furnished for the variations between the budget estimate and the actuals both under receipts and expenditure were examined and we were satisfied with them.

Particular attention was paid to the savings in the provision under "Protective Irrigation" since a lot of irrigation works still remained to be done. The Chairman informed the committee that the works were not executed since the estimates had not been got ready and necessary lands acquired. (*Vide* para 14 of the proceedings).

The fact that out of Rs. 10,000 provided in the budget for the amelioration of the depressed classes a sum of Rs. 4,115 only was spent during 1110 was 'noted by the committee. (*Vide* para 18 of the proceedings).

Statement of Assets and Liabilities. Deposits with the State-aided Bank.

9. Mr. U. Padmanabha Kukkillaya, Head Sirkar Vakil and Government Director, State aided Bank, was examined as a witness with a view to ascertain whether the deposits with the State aided Bank were safe and whether the Government would be justified in taking them as good assets and also to know whether Government have taken any steps to reorganise the Bank. (*Vide* paras 16 and 17 of the proceedings for details.)

Work of Marketing Officers.

10. Mr. K. Paramesvaran Pillai, Director of Agriculture and Fisheries, was examined as a witness with a view to get an idea of the work that is being turned out by the Marketing Officers. (For details *vide* para 19 of the proceedings.

Sales Depots, Trivandrum and Bombay, the Rubber Factory and the Travancore Sugars.

11. Mr. C. Kumara Das, Industrial Chemist in charge of the duties of the Director of Industries was examined as a witness in regard to the working of the Rubber Factory he Travancore Sugars and to the Sales Depots at Trivandrum and Bombay. For details *vide* para 20, the proceedings.)

PART II.

Audit Report.

Financial and other irregularities.

12. We went carefuly into the cases of defalcations, misappropriations and other financial irregularities mentioned in the Audit and Appropriation Report. Mr. Kesavan Nambootiripad pointed out that the punishments accorded in several cases were not adequate.

The necessity for devising measures to prevent defalcations as far as possible in feature and for discovering them at the earliest stage, was discussed. The Chairman stated that a conference was held at Bhaktivilas for the above purpose and that the proposals of the conference had been taken note of by the Government.

Stock taking reports.

13. The Committee suggested that the results of stock-taking should be published in the Audit Report. (*Vide* para 8, page 14 of the proceedings.)

Publications of the Audit Report.

14. We were of opinion that the Audit and Appropriation Report should be split up into two and that the Audit Report should be published somewhat earlier in future. The Chairman agreed to arrange for this.

Miscellaneous observations.

Tobacco cultivation.

15. While dealing with the reasons for the fall in tobacco revenue (Para 22, page 11 of the Audit and Appropriation Report) the question of cultivation of tobacco in the State was discussed. The Chairman informed the committee that the rules regarding the same were being considered by the Government and that after they were passed, applications for the cultivation of tobacco would be considered.

Trespassers in cardamom lands.

16. Similarly while dealing with the fall in Customs revenue [Para 23 (3), page 11 of the Audit and Appropriation Report], the question of eviction of trespassers on cardmom lands was discussed. The Chair-man stated that a survey was being conducted to detect encroachments and that no further time will be given to these trespassers to pay the *tharavila*

Reduction of Interest on Savings Bank Deposits.

17. The question having been asked whether the interest on the deposits in the Government Savinge Bank could not be reduced in view of the slump in the money market, the Financial Secreatary replied that the matter was under consideration.

As in the previous year we append to our Report the minutes of our proceedings which we consider should be treated as part of the Report.

M. HABIBULLAH. (Chairman)

N. KUNJAN PILLAI.
A. RENGASVAMI IYER.
K. N. KESAVAN NAMBOOTIRIPAD.
T. KRISHNA PILLAI.
A. KUNJUKRISHNA PILLAI
} Members.

1st August 1936.

PROCEEDINGS OF THE MEETING OF THE PUBLIC ACCOUNTS COMMITTEE.

FIRST DAY.

Wednesday, the 17th June 1936.

Present:—

1. Khan Bahadur Nawab Sir Muhammad Habibulla, Dewan of Travancore (Chairman).
2. Rao Bahadur Dr. N. Kunjan Pillai, Chief Secretary to Government.
3. Rao Bahadur A. Rengasvami Aiyar, Financial Secretary to Government.
4. Mr. K. N. Kesavan Nambootiripad, Member, Sri Chitra State Council.
5. Mr. T. Krishna Pillai, Member, Sri Mulam Assembly.
6. Mr. K. Kunjukrishna Pillai, Member, Sri Mulam Assembly.

The Committee met at 11-30 A. M. in the Dewan's Office in the Huzur Cutcherry.

Mr. R. Nilakanta Pillai, Account Officer was also present.

1. The Chairman stated that since the non-official members had not sent in any questions on the Audit and Appropriation Report for 1110 M. E., the only profitable method of reviewing the Report would be to survey generally its important features.

Savings nnder voted heads.

2. The first point, he said, related to unspent balances. There was a balance of Rs. 23,39,505 during the year 1109 out of the grants made by the Legislature. But in 1110, the balance was only Rs. 7,75,023. This made it clear that as a result of the criticisms made by the Committee the estimates approximated more to the actual requirements during 1110 than during 1109. However one point had to be made clear. It was inconceivable that all the amounts granted would be spent completely within the year. The Government had, therefore, to see that the allotment was not spent uneconomically simply because money was available in the budget. There might be occassions when a little more economy could be effected. Government had made this clear to the Heads of Departments recently by means of a circular.

Supplementary grants obtained for schemes of new expenditure treated as "new services."

3. The Chairman then drew the attention of the members to pages 33 to 36 of the report containing a statement of the supplementary grants. Under Rule 10 of the Public Accounts Committee (Supplemental) Rules, the Financial Secretary had placed before the committee a list of those items of supplementary grants obtaind by the Government during the year 1110 for schemes of new expenditure treated as "New services" (*Vide* Appendix A). The Chairman requested the members to offer their remarks on the various items in the list. Mr. Kunjukrishna Pillai stated as instances that items 1 and 2 *viz*,, "For the opening of a

Special survey class" and 'For printing 500 copies of the Wall Map of Travancore,' were not in his opinion new services which could not have been anticipated earlier or which could not have waited till the regular budget session.

4. Mr. Kunjukrishna Pillai referred to paragraph 6, page 3, of the Appropriation Report, which runs as follows:—

"When the amount voted in the budget for a grant for which the vote of the Legislature is necessary is found to be insufficient for the purpose for the current year or a need arises during the year for expenditure for which the vote of the Legislature is necessary upon some new service not contemplated in the budget of the year, an estimate is presented to the Assembly and the Council for a supplementary or additional grant."

He said that certain supplementary demands had been made on the ground that the original grant was not sufficient. Yet some of these supplementary grants had not been spent. That was an irregularity. Again grants under one head were allowed to lapse and then transferred to another head in order to avoid a supplementary demand. That was improper.

The Chairman admitted that it would be improper to ask for a supplementary grant when the Head of the department anticipated savings under a particular item. But if that could not have been foreseen, there was no impropriety in having moved for such a grant.

The Financial Secreatry stated that, if savings were allowed to lapse, and if at the same time, supplementary grants were to be applied for because money was needed under other minor heads, without re-appropriation from one minor head to another, the result would be that the number of supplementary grants would increase.

Mr. Kunjukrishna Pillai pointed out that Heads of Departments could easily circumvent the control of the Legislature in the first instance by lavish over-estimating and later on re-appropriating the money to other minor heads.

The Cairman replied that it was impossible to over-estimate since all the detailed items were shown in the Budget. He further stated that this rule was not peculiar to Travancore. It existed both in the Government of India and the British Indian Provinces. That was the most convenient arrangement.

Mr. Kunjukrishna Pillai said that the practice in British India was all right because the Auditor-General, who was appointed by the Secretary of State exercised an effective check over expenditure. The Chairman pointed out that here also the Account Officer is expected to exercise the same control.

Expenditure sanctiond under Section 32 of Regulation II of 1108.

5. The Chairman next brought to the notice of the Committee that the expenditure authorised under Section 32 of Regulation II of 1108 during the year 1110 was only Rs. 2,59,882 against the expenditure of Rs. 5,26,853 authorised during 1109.

Mr. Kunjukrishna Pillai requested to be informed whether, as undertaken by the Dewan—Chairman at a previous meeting of the Committee, the convention of consulting the Standing Finance Committee, before any item of expenditure was authorised under Section 32, was followed. The Committee was functioning throughout the year and could have been summouned at any time.

The Chairman replied that the question was subsequently given full consideration and it has been settled that Section 32 should be resorted to only in very emergent cases. In such cases, Government could not wait till the Finance Committee met. If the Committee was to be consulted after the expenditure, it would not be complimentary to it or serve any useful purpose. Under the rules, of course, the Finance Committee need not be consulted. It would also not be practicable or necessary to summon the Committee merely for the purpose of consulting it about these cases. It was therefore decided to continue the present practice of consulting it whenever possible.

Mr. Kunjukrishna Pillai stated that he was not standing upon technical rules and claiming that the rule must be changed, so that the Finance Committee must be consulted invariably regarding expenditure under Section 32, but was urging that there must be a convention that as far as possible expenditure should be incurred only after consulting the Finance Committee and ascertaining its views. Some of the items of authorised expenditure were not at all of an urgent nature, as for instance, the sanction for the constuction of the Leper Colony at Noornad, If in some cases at least, Government out of courtesy consulted the Finance Committee, the non officials could bring their view point to bear upon the questions whereby the whole course might be changed and the expenditure avoided. He said that his information was that in the Government of India, there was such a convention.

The Chairman stated that it was not so and that to the best of his recollection, the Government of India did not consult the Finance committee at all in such cases. The Governor-General simply authorised the expenditure. In the Provinces also the Governors authorised the expenditure without consulting the Finance Committee. Here it was only in very rare and extremely urgent cases that the Dewan resorted to such authorisation of expenditure. The Chairman however agreed that in future, a list of the items that had been sanctioned under Section 32 during the period between two meetings of the Finance Committee may be placed before the Committee at the next meeting and that the opinion of the representatives of the Legislature in the Committee may be informally taken. That would also cover cases in which some of the expenditure authorised had been incurred and some still remained to be incurred. The views of the Committee would be useful to Government in dealing with similar cases in the future.

Mr. Kunjukrishna Pillai questioned the propriety of the authorisation of expenditure of Rs. 70,000 for the construction of the Noornad Leper Colony and pointed out that this was not at all an item which could not have been foreseen at the time of budgeting.

The Chairman explained that the authorisation was found necessary under the following circumstances. The original idea was to finish the buildings section by section; when one building was finished the lepers would move in; and then another building would be taken up for construction. But it was found that the workmen would not do their work in the buildings once the lepers occupied them. Hence it was found necessary to finish all the buildings at one time before the lepers were allowed to occupy them. So this expenditure could not be delayed.

He also explained the reasons for the authorisation of the expenditure of Rs. 21,000 for the removal of sand accretion at the Alleppey Pier, and of Rs. 38,200 for the construction of an Aerodrome at Trivandrum.

Mr. T. Krishna Pillai referred to the authorisation of expenditure of Rs. 1,500 for advertisement and contingencies for the Trade Agent, Bombay (Grant No. IV, page 36 of the Report), and asked what was the urgency of the advertisement.

The Chairman replied that the Agent had represented that the advertisements were essential.

Excess over voted grants.

6. The Chairman next referred to the statement of excess expenditure over voted grants, given on page 37, para 107 of the Report. The total amount of such excess during 1110 was only Rs. 1,49,892 as against Rs. 7,63,077 during 1109. There was a considerable fall due to the fact that greater scrutiny had been exercised.

Unnecessary grants.

7. The Chairman next referred to the question of unnecessary grants (*Vide* pages 41 and 42 para 122, Audit and Appropriation Report.) He stated that the question was discussed by the Committee last year and by the Sri Mulam Assembly in its Vrischikam Session.

The following replies furnished by departmental officers as to why they had applied for supplementary grants when the expenditure was capable of accommodation within the original sanctioned grant were read out.

(i) *The Director of Public Instruction.*—The supplementary grant was moved because the payment of compensation for loss of fee income was a new service and the savings that resulted were mainly under salaries.

(ii) *The Chief Engineer.* The supplementary grants were (*a*) for the construction of the boundary pillars at Neendakara Anchorage, (*b*) for the Leper Colony, (*c*) for the Aerodrome at Trivandrum, and (*d*) for the removal of sand accretion at the Alleppey Pier. The grants sanctioned under items (*b*) and (*d*) were fully spent while those for items (*a*) and (*c*) were only partially spent due to circumstances which could not have been foreseen. Similarly savings in the original grant for the year were also due to circumstances which could not have been foreseen at the time the additional grants were applied for.

(iii) *The Director of Industries.* The supplementary grant was for the office of the Trade Agent, Bombay, and it was not possible at the time to anticipate the ultimate savings.

(iv) *The Land Revenue and Income Tax Commissioner.* The supplementary grant was for the supply of furniture for the use of the Income-Tax Collectors. It was not possible to foresee the savings either under establishment charges or under travelling allowance at the time the supplementary grant was asked for.

(v) *Registrar, High Court.* It was not possible to anticipate in the middle of the year the extent of savings that would eventually result and hence demands had to be made for additional grants for new items of expenditure.

(vi) *The Chief Secretary to Government.* The supplementary grant under "Huzur Cutcherry—Travelling Allowance" was applied for as it was not possible to anticipate at the time the savings which were ultimately available under establishment charges.

(vii) *The Account Officer.* There was heavy increase in the volume of correspondence in the office in connection with the working of the Provident Fund and Life Insurance (Public Branch) Scheme, and that funds were not available under "Contingencies" for diversion to "Anchal charges". The savings in the office were under "Salaries" and "Establishment charges".

(viii) *The Durbar Physician.* The supplementary grant of Rs. 15,000 was required for urgent improvements to the General Hospital. It was not then possible to anticipate any savings to meet the expenditure.

(ix) *The Registrar of Co-operative Societies.* The supplementary grant was moved with a view to place the Devadar Committee's Report for discussion in the Legislature.

The Committee adjourned for lunch at 1 P. M.

The Committee re-assembled at 2-20 P. M. with Rao Bahadur Dr. N Kunjan Pillai in the chair.

Stock-taking Reports.

8. Mr. K. N. Kesavan Namputiripad, referring to the additional grant of Rs. 700 for stock-taking of the type plant in the Government Press and Central Prison Press (Grant No. XXIV, page 34 of the Report, requested that information about the result of the stock-taking might be published in the Report. This was accepted by the Cairman.

Tobacco Cultivation.

9. Mr. T. Krishna Pillai referring to the decrease in the Tobacco revenue (page 11 para 22 of the Audit and Appropriation Report) wanted to know what steps the Government had taken regarding cultivation of tobacco in Travancore.

The chairman replied that the draft rules, which were published in the Gazette for public criticism, were now under consideration and that Government would be prepared to consider applications for permission to cultivate tobacco after these rules were passed.

Trespassers in Cardamom lands.

10. To a question from Mr. Kunjukrishna Pillai about the eviction of trespassers in cardamom lands [para 23 (2), page 11 of the Report], the Chairman stated that a survey was being conducted to detect encroachments. It was also stated, that no further time would be given to these trespassers to pay the *tharavila.*

Reduction of interest on the deposits in the Government Savings Bank.

11. Mr. T. Krishna Pillai asked whether it was not possible, in view of the slump in the money market, to reduce the interest on the deposits in Savings Bank (*Vide* para 56, page 17 of the Report) The Financial Secretary replied that the matter was under consideration.

Receipt Audit.

12. Mr. Kesavan Namputiripad desired to know if the audit of receipts and expenditure of the Water Works Department was being conducted as in the case of the Electrical Department.

The Financial Secretary stated that the Audit Department did not at present concern itself with the audit of receipts in any department. The receipts were checked by the officers of the department in the course of their administrative duties. The expenditure was being audited as usual.

Provision for leave allowances in the budget.

13. The question of making provision for leave allowances in the budget in future with a view to prevent excess expenditure on that account (para 132 (8), page 48 of the Report) was then discussed. The Committee decided that the present system might continue, since under the proposed arrangement, the provision made for leave allowances was likely to be over estimated and to avoid supplementary demands it might be reappropriated to other items within the grant. Further, the present system is more economical while the practice in British India of including provision for leave salary in the cadre itself is more costly.

Savings under Protective Irrigation.

14. Mr. T. Krishna Pillai referred to para 83, page 21 of the Report, regarding the transfer of Rs. 78,000 from the allotment for Protective Irrigation and pointed out that the transfer was quite unjustifiable since a lot of works had to be done.

The Chairman informed him that the works could not be executed as the estimates were not ready and necessary lands were not acquired. Next year it would be possible to utilise the whole allotment since lands would have been acquired and estimates for works sanctioned by that time.

AUDIT REPORT.

The Committee then took up the consideration of the Audit Report.

D. C. B. Statements from Colleges.

15. Mr. Kunjukrishna Pillai asked whether the Account Department insisted on D. C. B. statements from the Colleges.

The Financial Secretary replied that these statements were now being furnished to the Financial Assistant under the Director of Public Instruction who examined them in detail.

The Meeting adjourned at 4 P. M. to meet again at 11-30 A. M. on Friday the 19th June 1936.

SECOND DAY.

Friday the 19th June 1936.

Present :—

1 Khan Bahadur Nawab Sir Muhammad Habibullah, Dewan of Travancore (Chairman).
2 Rao Bahadur Dr. N. Kunjan Pillai, Chief Secretary to Government.
3 Rao Bahadur A. Rengasvami Aiyar Financial Secretary to Government.
4 Mr. K. N. Kesevan Namputiripad, Member, Sri Chitra State Council.
5 Mr. T. Krishna Pillai, Member, Sri Mulam Assembly.
6 Mr. K. Kunjukrishna Pillai, Member, Sri Mulam Assembly.

Witnesses :—

(1) Mr. U. Padmanabha Kukiliya, Head Sirkar Vakil.
(2) Mr. K. Paramesvaran Pillai, Director of Agriculture and Fisheries,
(3) Mr. C. Kumaradas, Industrial Chemist in charge of the duties of the Director of Industries.

Mr. R. Nilakanta Pillai, Account officer was also present.

The Committee met at 11-30 A. M in the Dewan's Office in the Huzur Cutcherry.

The State Aided Bank.

16. In referring to the question of examining Mr. Padmanabha Kukiliya Government Director of the State Aided Bank as desired by the members on the previous day, on certain matters connected with the State Aided Bank, the Chairman observed that the same question arose last year also and that the legal opinion which was called for on that occasion was not in favour of the Head Sirkar Vakil being examined

as a witness. He said that the Head Sirkar Vakil could not be expected to furnish information regarding delicate matters about the Bank, firstly because he himself was a Director of the Bank and secondly he being the Legal Adviser to Government, his opinion in that capacity could not be made public.

Mr. Kunjukrishna Pillai said that it was not his desire to ask anything about the internal affairs of the Bank or the opinion of the Head Sirkar Vakil in his capacity as the Legal Adviser to Government. His desire was only to obtain information regarding the cash credit account of the Government with the State Aided Bank, how it stood at the time, whether it was safe and whether the Government would be justified in taking it as a good asset. He also wanted to know what action had been taken by the Government Director of the Bank with regard to the suggestions made by the Government to improve the condition of the Bank.

The President allowed Mr. Kukiliya to be examined and to be asked such suggestions as would not impinge on delicate grounds.

Witness :—

Mr. U. Padmanabha Kukiliya, Head Sirkar Vakil.

17. Mr. Kunjukrishna Pillai wanted to know whether the Bank had paid the instalments to the Government in 1110 as specified in the agreement with them.

Mr. Kukiliya said that out of Rs. 2½ lakhs which had to be paid to Government in instalments, the Bank had defaulted two instalments in 1110.

Mr. Kunjukrishna Pillai next enquired whether the Government Director had done anything with regard to the suggestion of Government for the reorganisation of the bank. Mr. Kukiliya answered that nothing was done so far. He further said that there was nothing for the Government Director to do. The Chairman of the Bank had even objected to the Government Director attending the extraordinary general meetings of the shareholders of the bank. Mr. Kunjukrishna Pillai asked whether it was not the duty of the Government Director to see that the proposals put forward by the Government were accepted by the bank so that it might tide over difficulties and that the amounts advanced by Government might be safe. To a question as to what the Government Director was doing when the bank extraordinary general meeting was being held, Mr. Kukiliya replied that he was in the adjacent room along with the member Mr. Kunjukrishna Pillai. Mr. Kunjukrishna Pillai then wanted to know why the Government Director was seated in the adjacent room and did not attend the meeting. Mr. Kukiliya replied that at the meeting of the Board he was told he could not attend the meeting though he said that he was ready there to give any information that the shareholders wanted of him. In answer to another question, he further stated that Government could cancel the agreement with the bank if they so desired. When asked whether they had not yet thought it necessary to do so, Mr. Kukiliya said he could not answer the

question. He said that any proposal for the reorganisation of the bank must come from the share-holders themselves in the form of resolutions. The Government Director by himself was helpless either in the Directors' meeting or in the General body meeting.

Mr. Kunjukrishna Pillai asked whether the Government had put forward certain minimum demands for the acceptance of the bank, Mr. Kukilya answered in the affirmative. Mr. Kunjukrishna Pillai then asked whether Government climbed down from that position and accepted now certain proposals put forward by Mr. V. Subba Aiyar and others. Mr. Kukilya said that there was no climb down and the change in Mr. Subba Aiyar's proposals was very slight.

Mr. Kunjukrishna Pillai then referred to the figures relating to the State Aided Bank in the Assets column in page 26 of the Audit and Appropriation Report and enquired whether they could really be called assets. The Chairman said that until they were written off, they should be regarded as real assets.

Mr. Kunjukrishna Pillai asked if no general meeting was allowed to be held, whether the financial interests of the Bank would not be adversely affected. Mr. Kukilya said that meetings must be held.

Lapsing of funds provided for the amelioration of the depressed classes.

18. The Committee then turned their attention to page 75 of the Audit and Appropriation Report.

Mr. Kesavan Namputiripad pointed out that out of the provision of Rs. 10,000 for the amelioration of the depressed classes a sum of Rs. 4,115 only was spent in 1110. The Chairman regretted the low expenditure and assured the Committee that during 1112 the progress of work in that Department would be better. He also stated that the suggestion to amalgamate the Protector of Depressed Classes with the Commissioner of Labour if and when created would be considered.

Witness:—

Mr. K. Paramesvaran Pillai, Director of Agriculture and Fisheries.

Marketing Officers.

19. Mr. Kunjukrishna Pillai asked why there was so much delay in the appointment of the Marketing Officers even though the amount required for the purpose was brought up as a supplementary grant. The Director of Agriculture said that the various applicants had to be interviewed and the best among them selected. This was one of the reasons.

Mr. Kunjukrishna Pillai then wanted to get an idea of the work so far done by the Marketing Officers. The Director said that they were conducting marketing surveys on the lines chalked out by the Government of India and they had so far finished surveys on eggs, wheat, linseed and ground-nut. Preliminary surveys in regard to paddy, mango, banana, pineapple, and some other articles were over and that the survey on cocoanut will be begun immediately.

He said that the aim of this survey was to help the producers as much as possible and also to see that only a reasonable profit was taken by middle men. The President referred to the importance of grading and packing of articles.

In answer to a question, Mr. Paramesvaran Pillai said that the duty of finding out out-side markets was also included within the scope of the marketing officers.

The Chairman pointed out the need for having co-ordination with the Central Organisation. He said that the Government of India were having their Trade Agents all over the world.

The Director said that the question of freight will also be considered by the Central Organisation.

Witneess :—

Mr C. Kumaradas, Industrial Chemist in charge of the duties of the Director of Industries.

20. *Sales Depots at Trivandrum and Bombay.*—In answer to a question by Mr. T. Krishna Pillai, Mr. Das gave information about the rates of commission charged on articles sold in the Sales Depot.

Mr. Das in answer to another question of Mr. T. Krishna Pillai said that giving publicity to Travancore articles, conducting exhibitions out-side the State and sale of Travancore goods, were some of the chief functions of the Trade Agent at Bombay. He also said that if we take into account only the money spent and money received on account of the Sales Depot at Bombay it was a loss.

Mr. Namputiripad wanted to know whether articles required for the Industries Department were supplied by the Sales Depot at Trivandrum. Mr. Das said that some of the articles were supplied by it.

21. *Rubber Factory.*—In answer to a question by Mr. T. Krishna Pillai whether any market has been found for articles manufactured in the factory, Mr. Das said that Government had very recently appointed a firm as the sole agents for the sale of various kinds of goods made there. He said that the maximum out-put of the factory per day would be Rs. 3,000 worth of goods. He also said that there was a Testing Machine in the factory to test the quality of the articles produced there.

Mr. T. Krishna Pillai suggested the appointment of a board consisting of officials and non-officials to make periodical visits to the factory and tender their advice. The Chairman said that it was a good idea and would be considered when the Ceramic Factory also was established. The Chief Secretary made it clear that the board suggested would only be an advisory one.

22. *Sugar Factory.*—Mr. Das, in reply to a question said that the Factory was still working and that there was no idea of stopping it.

The Chairman said that the former contract had been cancelled and that there was no idea of giving up the Factory which was the only one of its kind in Travancore.

Mr. Kunjukrishna Pillai impressed the Committee with the necessity of running the Factory as a Government concern.

Defalcations.

23. The Committee turned their attention to the question of defalcations.

Mr Kesavan Namputiripad pointed out that punishments for defalcations were not adequate and in proportion to the amounts misappropriated.

The Financial Secretary referred to page 104 of the Audit Report and said that there were two cases of dismissal.

The Chairman said that a conference was held at Bhakti Vilas to discuss about the measures to be adopted for the prevention of defalcations, as far as possible, and to discover the same at the earliest stage and that the proposals of the conference have been taken note of by Government.

Then Mr. Namputiripad referred to para No. 43 of the Audit Report and stated that no police investigation was made. The Chief Secretary said that the Police had investigated the case.

Audit Report to be published earlier.

24. Mr. Kunjukrishna Pillai wanted to know whether it would not be possible to split up the Audit Report and Appropriation Report into two parts and give copies of the Audit Report at least to the non-official members earlier than was done at present. The Chairman said that the Audit Report would be published separately, and earlier than at present in future.

The business being over, the Committee adjourned *sine die* at 1 P. M.

(Approved by the members.)

A. RENGASVAMI AIYAR,
Financial Secretary to Government, and Convener and Secretary, Public Accounts Committee.

Trivandrum,
1st August, 1936.

Annexure A.

Finance Department.

Under Rule 10 of the Public Accounts Committee Supplemental Rules I beg to place before the Public Accounts Committee the following list of Supplementary grants obtained by the Government during the year 1110 for schemes of new expenditure treated as "new services" for the opinion of the Committee as to whether they are "new services" or not.

No. of grant.	Name of Major Heads.	Particulars.	Amount.
		A. (Grants voted by the Legislature.)	
			Rs.
VI.	1. Land Revenue	For the opening of a special survey class	900
Do.	Do.	For printing 500 copies of the Wall map of Travancore	1 845
VIII.	3. Salt	Fof the staff for the Sri Chitra Th'runal Muthuswamy Salt Factory and for the Thattarippu Odai Salt Factory	1,328
I.	20. Education	For Compensation to private managements consent on the reduction of School fees in 1110	38,644
V.	21. Agriculture and Fisheries	For the appo'ntment of Marketing Officers and staff	3,400
XVII.	23. Medical Public Health and Sanitation —Public Health and Sanitation	For the appointment of an Entomological Assistant temporarily in the Public Health —Laboratory	200
		Total	46,317
		B. (Grants sanctioned under Section 32 of Regulation II of 1108.)	
IX.	6. Forest	For payment to Mr. Kamesam on account of royalty on ASCU treatment of timber	15,000
	Do.	For payment of travelling allowance to Mr. Kamesam	2,292
XI.	16. Administration of Justice	In connection with the special duty of Mr. K.N.Kesava Pillai and staff for the investigation of fire accident in the Sri Padmanabhaswamy Temple	1,084
II.	29. Buildings, Communications and Miscellaneous Public improvements	For the construction of as Aerodrome at Trivandrum	38,200
XXVII.	38. Miscellaneous	Contribution to His Excellency the Viceroy's Quetta Earth Quake Fund	10,179
		Total	56,755

A. RENGASVAMI AIYAR,

Financial Secretary to Government

Annexure I.

MINUTES OF THE MEETING OF THE STANDING FINANCE COMMITTEE HELD ON THURSDAY, THE 18TH FEBRUARY 1937/7TH KUMBHAM 1112.

The second meeting of the Standing Finance Committee of the Sri Chitra State Council and the Sri Mulam Assembly was held at 12 Noon on Thursday, the 18th February 1937, in the Dewan's room, Public Offices, with Rao Bahadur Rajyasevanirata N. Kunjan Pillai, M. A., B. SC., Ph. D., Chief Secretary to Government, in the Chair. The following members were present:

(1) V. S. Arumukham Pillai Esq., B. A., B. L., Member, Sri Chitra State Council.

(2) Pottayil S. Krishna Panikkar Esq., B. A., B. L., Member, Sri Mulam Assembly.

(3) Pacode A. Narayana Pillai Esq., B. A., B. L., Member, Sri Mulam Assembly.

(4) Rao Bahadur A. Rengasvami Aiyar, B. A., Financial Secretary to Government.

(5) R. Nilakanta Pillai Esq., B. A., B. L., Account Officer.

Publication of Regulations and Proclamations.

1. The Committee took up for consideration the proposal to authorise Mr. M. Chockalingam Pillai, B. A., B. L., High Court Vakil, Trivandrum, to publish the Regulations and Proclamations of Travancore which had been enacted since the publication in February 1935 of Vol. VII and the Supplement of the Regulations and Proclamations by the late Mr. R. Ramalingam Aiyar. The volume, which would be similar to the previous publications and consist of about 400 pages, was estimated to cost Bh. Rs. (4-8-0) four and annas eight, but the actual price would be settled only after seeing the book. The minimum number of copies required for distribution among the various departments was 620 and Government proposed to purchase 650 copies. A sum of Bh. Rs. 2,925 was required for the purpose.

The Committee accepted the proposal.

Government Mint.

2. The proposal to provide a sum of Rs. 2,05,000 under "Advances recoverable—Mint advances" for the minting of silver and copper coins of the following denominations was then considered :—

Silver.	*Face value in Sr. Rs.*
Half rupee	1,00,000
Quarter rupee	50,000
One fanam	50,000

Copper.

One chackram	1,00,000
Half chackram	25,000
Quarter chackram	25,000
One cash	25,000

The new coins would be of the same size and pattern as the existing ones, except that the words "*Bala Rama Varma*" are proposed to be substituted for "*Rama Varma*" and the figure "1112 for "1106" or 1107". Quotations had been obtained from the Birmingham Mint for manufacturing the silver coins at a cost of Rs. 98,000, and for supplying blank for the copper coins (to be pressed in the Trivandrum Mint) at a cost of Rs. 1,05,000. The total sum of Rs. 2,05,000 approximately had therefore to be paid to the Birmingham Mint towards the above cost. This was treated as an advance which would be recouped by adjustment when the coins were put into circulation. A net gain of about Rs. 1·70 lakhs, being the difference between the face value of the coins minted and the actual expenditure on account of the minting, is expected from the minting of coins now proposed.

Mr. Pacode A. Narayana Pillai suggested that the design on the present silver coins should be changed. The British Indian coins had an effigy of the King-Emperor and the Travancore coins also should have an effigy of His Highness the Maharaja. On one side should be the conch and on the other the effigy. This would in a way, be able to prevent counterfeiting.

Mr. Pottayil S. Krishna Panikkar also agreed to this view.

Mr. R. Nilakanta Pillai, Account Officer stated that the question had already been considered by the Government. If the effigy were to be struck, then either the conch or the English and Malayalam writings on the obverse side should be given up. After careful consideration, it was decided to continue the present design.

The Chairman remarked that the only method of putting a stop to counterfeiting was vigilant action on the part of the police.

The Committee agreed to the proposal.

3. The Committee next approved the proposal to provide a sum of Rs. 1,700 on account of the entertainment of a temporary staff and contingencies, for the Government Mint for the minting of copper coins to the face value of Rs. 1,75,000.

Excise staff of the Edava Railway Chowkey.

4. The question of the appointment of one fourth grade Petty Officer, one fourth grade peon and one fifth grade peon, for the chowkey recently opened at Venkulam (Edava) between Kappil and Varkala, was considered and the Committee agreed to the provision of a sum of Rs. 185 for the purpose for five months from the 1st Kumbham 1112.

Rewards to the Police.

5. The Committee next considered the proposal for granting rewards to certain police officers. Government had sanctioned, on the recommendation of the Commissioner of Police, good service entries to

Messrs. V. Sivasankara Pillai and T. R. Raman Pillai, District Superintendents of Police, and a monetary reward of Rs. 25 each to Messrs. S. Bhagavathisubrahmanya Aiyar and E. Subrahmanya Pillai, Assistant Superintendents of Police, and Rs. 20 to Mr. M. Rajaraja Varma, Ag. Assistant Superintendent of Police, Rs. 125 to fourteen Inspectors, Rs. 105 to twenty-one Head constables and Rs. 300 to 300 constables, for doing good work at a number of festivities in Trivandrum, such as the Dusra, the festival in the Sri Padmanabhaswami temple, the Birthday celebrations of His Highness the Maharaja, and the celebrations connected with the Temple Entry Proclamation. The additional allotment thus required was Rs 600.

Mr. Pottayil S. Krishna Panickar was of opinion that the grant of money rewards for doing normal duties in connection with festivals which occurred every year would set up a bad precedent for the future. The Police had to do heavy work at the time of His Excellency the Viceroy's visit, the Pallikettu ceremony, etc. But, even on such occasions, the Commissioner did not think it necessary to recommend the grant of money rewards.

Mr. Pacode A. Narayana Pillai said that these ordinary occasions recurred every year and the rewards were therefore likely to be repeated annually. Again, discrimination was shown in choosing only certain officers as recipients while every police officer had done work on these occasions.

The Chairman said that the Commissioner of Police chose a few people on the recommendation of his subordinate officers, as the rewards could be granted only to the most deserving of all ranks. This year there was a special reason. The Birthday celebrations and the celebrations connected with the Temple Entry Proclamation came together immediately after the other festivities. All these taxed the police very heavily. He said that the present rewards would not be made a precedent for the future.

The demand was passed.

Rent for the Ayurveda College and Pharmacy.

6. The Committee agreed to the provision of Rs. 3,200 for the payment of arrears of rent due for the Ayurveda College and Pharmacy from Mithunam 1109 to Mithunam 1111.

Additional accommodation in the General Hospital.

7. The Committee approved the proposal to allot a sum of Rs. 10,000 or constructing a fourth block in the General Hospital, Trivandrum, in order to provide additional accommodation to meet the growing needs of the institution.

Fee concessions in private schools.

8. The Committee accepted the proposal for the provision of a sum of Rs. 45,000 towards the payment of grants on account of fee concessions to backward and depressed class pupils in private schools which had fallen into arrears for the year 1111 M. E. for want of funds.

Prevention of malaria.

9. The continuance for six months from the 1st Dhanu 1112 of the hospitals and dispensaries opened in the Neyyattinkara and Nedumangad taluks for combating the malaria epidemic was next considered. The Darbar Physician and the Director of Public Health had reported that malaria having become endemic in the above areas, it was necessary to continue the institutions for another six months. The allotment required for the staff and contingencies was Rs. 6,500. After discussion, the Committee agreed to the proposal.

Preparation of a catalogue of Oriental Manuscripts.

10. The provision of Rs. 2,200 for the appointment of staff, etc. for the preparation of a descriptive catalogue of the manuscripts in the Palace Grandhapura and in the Curator's Office, was considered by the Committee. This catalogue had to be ready before the Nineth Session of the All-India Oriental Conference, to be held in Trivandrum in December 1937, so that the delegates to the Conference might be aware of the manuscripts available in the State. The staff was to function for eight months from 1-8-1112 and the total grant required would come to Rs. 4,257. The grant now asked for is Rs. 2,200 for the remaining months of the year.

The Chairman explained that the question was considered by the Finance Committee which sat over the Budget for 1112 M. E. In the light of the remarks of the non-official members of the Committee, further proposals were called for from the Curator, and as a result Government now proposed to take up the preparation of this catalogue. At present, there was no index or catalogue of the manuscripts available in the Palace Grandapura or with the Curator. This catalogue would also be sold to the public, He observed that this matter would again have to be considered by the Finance Committee in connection with the Budget for 1113 as the present demand was only for the current year.

The Committee agreed to the provision of the sum of Rs. 2,200.

Revision of the State Manual.

11. The last item considered by the Committee related to the entertainment of staff for the Special Officer for the revision of the State Manual. The following allotment was approved by the Committee for the purpose :—

1 Manager on Rs. 75 per mensem for four months.		
1 Stenographer on Rs. 30	do.	do.
3 clerks on Rs. 25 each	do.	do.
1 typist on Rs. 25	do.	do.
5 peons on Rs. 9 each	do.	do.
	Total Rs.	2,000
Contingencies for four months	,,	220
Honorarium to expert assistants	,,	400
	Total	2,620

Mr. V. S. Arumukham Pillai expressed a fear that, since there was no Tamilian on the staff, there might not be any mention about Nanjinad at all in the new State Manual.

The Chairman pointed out that Messrs. Sivaramakrishna Sastri and Venkatarama Sarma were Tamilians.

Mr. Pacode A. Narayana Pillai asked whether there was any time-limit for finishing the work.

The Chairman replied that the work was required to be finished in seven months and that three months had already elapsed. The Manual was expected to be ready before the Oriental Conference.

12. In pursuance of the undertaking given by the Dewan at the meeting of the Public Accounts Committee which considered the Audit and Appropriation Report for 1110, that a statement of the items of expenditure authorised by Government under Section 32 of Regulation II of 1108 would be placed before the Finance Committee, the Chairman announced that no item of expenditure was authorised by Government under Section 32 of Regulation II of 1108 since the last meeting of the Legislature.

The Committee adjourned *sine die* at 1 P. M.

K. MADHAVA KURUP,
Convener,
Standing Finance Committee

Trivandrum,
26th February 1937.

Annexure II

THE TRAVANCORE INCOME TAX REGULATION (AMENDMENT) BILL.

(*As passed by the Sri Chitra State Council.*)

A BILL FURTHER TO AMEND THE TRAVANCORE INCOME TAX REGULATION, VIII OF 1096, AS AMENDED BY REGULATION, V OF 1100.

Preamble.

Whereas it is expedient further to amend the Travancore Income Tax Regulation, VIII of 1096, as amended by Regulation, V of 1100, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Regulation may be called The Travancore Income Tax (Amendment) Regulation, 1112.

(2) It shall come into force at once.

Amendment of Section 2.

2. In Section 2 of the Travancore Income Tax Regulation, VIII of 1096, as amended by Regulation, V of 1100, (hereinafter referred to as the said Regulation).

(1) in sub-section (1), clause (*a*), after the expression "land revenue" the words "in Travancore" shall be inserted; and

(2) for sub-section (11), the following shall be substituted namely:—

(11) "previous year" means—

(*a*) the twelve months ending on the last day of Karkatakam next preceding the year for which the assessment is to be made, or, if the accounts of the assessee have been made up within the said twelve months in respect of a year ending on any date other than the said last day of Karkatakam, then, at the option of the assessee, the year ending on the day on which his accounts have so been made up:

Provided that, if this option has been once exercised by the assessee, it shall not again be exercised so as to vary the meaning of the expression "previous year" as then applicable to such assessee, except with the consent of the Collector and upon such conditions as he thinks fit; or

(*b*) in the case of any person, business or company or class of persons, business or company, such period as may be determined by the Chief Revenue Authority or by such authority as it may authorise in this behalf".

Amendment of Section 3.

3. In Section 3 of the said Regulation, after sub-section (1), the following shall be inserted as a sub-section, namely;—

'1 (a) Income, profits and gains accruing or arising without Travancore to a person resident in Travancore shall, if they are received in or brought into Travancore, be deemed to have accrued or arisen in Travancore and to be income, profits and gains of year in which they are so received or brought, notwithstanding the fact that they did not so accrue or arise in that year;

Explanation. Income, profits or gains of a business accruing or arising without Travancore shall not be deemed to be received or brought into Travancore within the meaning of this sub-section by reason only of the fact that they are taken into account in the balance sheet prepared in Travancore."

Amendment of Section 5.

4. In Section 5, sub-section (1), of the said Regulation, the following shall be inserted as an Explanation, namely:—

Explanation—The right of a person to occupy, free of rent as a place of residence and premises provided by his employer is a perquisite for the purposes of this subsection."

Amendment of Section 7.

5. In Section 7 of the said Regulation,—

(1) in sub-section (1),

(*a*) after the word "buildings", the words "or lands appurtenant thereto" shall be inserted, and

(*b*) after the word "owner" where it occurs for the first time, the words "other than such portions of such property as he may occupy for the purposes of his business" shall be inserted, and

(2) in sub-section (2), proviso,

(*a*) after the word "owner", where it occurs for the first time, the words "for the purposes of his own residence" shall be inserted, and

(*b*) for the word "aggregate", the word "total" shall be substituted.

Amendment of Section 8.

6. In Section 8, of the said Regulation—

(*a*) in sub-section (2),

(*i*) in clause (vi), for proviso (b) the following shall be substituted namely:—

"where full effect cannot be given to any such allowance in any year owing to there being no profits or gains chargeable for that year, or owing to the profits or gains chargeable being less than the allowance, the allowance or part of the allowance to which effect has not been given, as the case may be, shall be added to the amount of the

allowance for depreciation for the following year and deemed to be part of that allowance, or if there is no such allowance for that year, be deemed to be the allowance for that year, and so on for succeeding years; and" and,

(*ii*) In clause (ix), the words "in respect of" shall be omitted; and

(*b*) sub-section three shall be omitted.

Insertion of a new Section, 10 A.

7. In the said Regulation, after Section 10, the following Section shall be inserted, namely:—

Method of accounting.

"10 A. Income, profits and gains shall be computed, for the purposes of Sections 8, 9 and 10, in accordance with the method of accounting regularly employed by the assessee:

Provided that, if no method of accounting has been regularly employed or if the method complied is such that, in the opinion of the Collector, the income profits and gains cannot properly be deduced therefrom, then the computation will be made upon such basis and in such manner as the Collector may determine."

Amendment of Section 12.

8. In section 12 of the said Regulation after the word "in" the words and figure "Section 6, proviso and in" shall be inserted.

Amendment of Section 13.

9. In Section 13, sub-section (2), of the said Regulation, the proviso shall be omitted.

Amendment of Section 14.

10. In Section 14 of the said Regulation—

(1) in sub section (1), after the word "liable", the words "to pay income tax or" shall be inserted; and

(2) Sub section (2) shall be omitted.

Insertion of a new Section 15 AA.

11. In the said Regulation, after Section 15 A and before Section 15 B, the following Section shall be inserted, namely:—

Supply of information regarding dividends.

"15. AA. (1) The Principal officer of every company shall, on or before the 15th Thulam in each year furnish to the prescribed officer a return in the prescribed form and verified in the prescribed manner of the names and of the addresses, as entered in the register of shareholders maintained by the company, of the shareholders to whom a dividend or aggregate dividends exceeding such amount as may be prescribed in this behalf has or have been distributed during the preceding year and of the amount so distributed to each such share holder."

(2) The principal officer of any bank, firm or company responsible for paying any interest, not being interest on securities, shall, on or before the 15th day of Tulam in each year, furnish to the prescribed officer a return in the prescribed form and verified in the prescribed manner of the names and addresses of all persons or whom, during the previous financial year, he has paid interest or aggregate interest exceeding such amount not being less than Rs. 200 as may be prescribed in this behalf together with the amount paid to each such person.

Supply of information regarding interest.

12. In Section 17, sub-section (2), the said Regulation, for the word "taxable", the word "total" shall be substituted.

Amendment of Section 17.

13. In Section 19, sub section (1), of the said Regulation, for the figure "6", the figure "4" shall be substituted.

Amendment of Section 19.

14. In Section 19 A, sub-section (1), of the said Regulation, for the words "commenced on or after the first day of Chingam 1101," the words "on which income tax was not at any time charged under the provisions of Regulation VIII of 1096" shall be substituted.

Amendment of Section 19 A.

15. In the said Regulation, after Section 19 A and before Section 19 B, the following Section shall be inserted namely: —

Insertion of a new Section 19 A A.

"19 AA. (1) When it oppose to the Collector that any person may leave Travancore during the current year or shortly after its expiry and that he has no present intention of returning, the Collector may proceed to assess him on his total income for the period from the expiry of the last previous year for which he has been assessed to the probable date to his departure from Travancore for each completed previous year included in this period an assessment shall be made on the total income of such person at the rate at which it would have been charged had such income been fully assessed, and for the period from the expiry of the last of such previous years to the probable date of departure the Collector shall estimate the total income of such person and assess it at the rate applicable to the income:

Assessment in case of departure from Travancore.

Provided that nothing herein contained shall authorise a Collector to assess any income, profits or gains which have escaped assessment or have been assessed at too low a rate in respect of which he is debarred from issuing a notice under Section 25.

(2) For the purpose of making an assessment under sub-section (1), the Collector may serve a notice upon such person requiring him to furnish within such time not being less than four days as may be specified in the notice, a return in the same form and verified in the same manner as a return under sub-section (2) of Section 17, setting forth, along with such other particulars as may be provided for in the

notice, his total income for each of the completed previous years comprised in the period first referred to in sub-section (1) and his estimated total income for the period from the expiry of the last such completed previous year to the probable date of his departure; and the provisions of this Regulation shall, so far as may be, apply as if the notice were a notice issued under sub-section (2) of Section 17."

Amendment of Section 19 B.

16. In the said Regulation, for Section 19 B, the following shall be substituted, namely:—

"19 B. (1) Where, at the time of making an assessment under Section 18, it is found that a change has occurred in the constitution of a firm or that a firm has been newly constituted, the assessment on the firm and on the members thereof shall, subject to the provisions of this Regulation, be made as if the firm had been constituted throughout the previous year as it is constituted at the time of making the assessment, and as if each member had made a share of the profits of that year proportionate to his interest in the firm at the time of making the assessment.

Change in constitution of a firm.

(2) Where, at the time of making the assessment under Section 18, it is found that the person carrying on any business, profession or vocation has been succeeded in such capacity by another person, the assessment shall be made on such person succeeding as if he had been carrying on the business, profession or vocation throughout the previous year, and as if he had received the whole of the profits for that year."

Insertion of a new Section 19 BB.

17. In the said Regulation, after Section 19 B and before Section 19 C, the following Section shall be inserted, namely:—

"19 BB. (1) Where a person dies, his executor, administrator or other legal representative shall be liable to pay out of the estate of the deceased person, to the extent to which the estate is capable of meeting the charge, the tax assessed as payable by such person, or any tax which would have been payable by him under this Regulation if he had not died,

Tax of deceased person payable by representative.

(2) Where a person dies before he is served with a notice under sub-section (2) of Section 17 or Section 25, as the case may be, the Collector may serve on his executor, administrator or other legal representative a notice under sub-section (2) of Section 17 or Section 25, as the case may be, and may proceed to assess the total income of the deceased person as if such executor, administrator or other legal representative were the assessee.

(3) Where a person dies without having furnished a return which he has been required to furnish under the provisions of sub-section (2) of Section 17, or having furnished a return which the Collector has reason to believe to be incorrect or incomplete, the Collector may make an assessment of the total income of such person and determine

the tax payable by him on the basis of such assessment, and for this purpose may require from the executor, administrator or other legal representative of the deceased person any accounts, documents or other evidence which he might under the provisions of Sections 17 and 18 have required from the deceased person."

Amendment of Section 19 C.

18. In Section 19 C of the said Regulation, for the expression "last mentioned notice" the words "last mentioned notices" shall be substituted.

Amendment of Section 21.

19. In Section 21, sub-section (1), of the said Regulation, the following shall be added as a proviso, namely:—

"Provided that no appeal shall lie in respect of an assessment made under sub-section (4) of Section 18 or under that sub-section read with Section 19 C."

Amendment of Section 22.

20. In Section 22, sub-section (3) proviso, of the said Regulation, for the word "applicant" the word "appellant" shall be substituted.

Amendment of Section 23.

21. In Section 23 of the said Regulation, for the words "assesoment proceeding" the words "proceedings under this Regulation" shall be substituted.

Amendment of Section 24.

22. In the said Regulation, for Section 24, the following shall be substituted, namely:—

Penalty for concealment of income.

"24. If the Collector, the Commissioner or the Chief Revenue Authority, in the course of any proceeding under this Regulation, is satisfied that an assessee has concealed the particulars of his income, or has deliberately furnished inaccurate particulars of such income and has thereby returned it below its real amount, he may direct that the assessee shall, in addition to the income tax payable by him, pay by way of penalty a sum not exceeding the amount of income tax which would have been avoided if the income so returned by the assessee had been accepted as the correct income:

Provided that no such order shall be made, unless the assessee has been heard, or has been given a reasonable opportunity of being heard:

Provided further that no prosecution for an offence against this Regulation shall be instituted in respect of the same facts on which a penal assessment is made under this Section."

Amendment of Section 25.

23. In the said Regulation, for Section 25, the following shall be substituted, namely:—

Income escaping assessment

"25. If for any reason income, profits or gains chargeable to income tax has escaped assessment in any year or has been assessed at too low a rate, the Collector may, at any time within one year of the end of that year, serve on the person liable to pay tax on such income, profits or gains, or in the case of a company, on the principal officer thereof, a notice containing all or any of the requirements which

may be included in a notice under sub-section (2) of Section 17 and may proceed to assess or re-assess such income, profits or gains and the provisions of this Regulation shall, so far as may be, apply accordingly as if the notice were a notice issued under that sub-section:

Provided that the tax shall be charged at the rate at which it would have been charged had the income, profits or gains not escaped assessment or full assessment, as the case may be."

Amendment of Section 26.

24. In the said Regulation, for Section 26, the following shall be substituted, namely:—

Rectification of mistake.

"26. (1) The Chief Revenue Authority or the Commissioner may, at any time within one year from the date of any order passed by him in appeal or, in the case of the Chief Revenue Authority, in revision or review under Section 23, and the Collector may at any time within one year form the date of any demand made upon an assessee, on his own motion, rectify any mistake apparent from the record of the appeal, revision, review or assessment, as the case may be, and shall, within the like period, rectify any such mistake what has keen brought to their notice by the assessee:

Provided that no such rectification shall be made, having the effect of enhancing an assessment, unless the Chief Revenue authority, the Commissioner or the Collector, as the case may be, has given notice to the assessee of his intention so to do and has allowed him a reasonable opportunity of being heard.

(2) Where any such rectification has the effect of reducing the assessment, the Collector shall make any refund which may be due to such assessee.

(3) Where any such rectification has the effect of enhancing the assessment, the Collector shall serve on the assessee a notice of demand in the prescribed form specifying the sum payable, and such notice of demand shall be deemed to be issued under Section 20, and the provisions of this Regulation shall apply accordingly."

Amendment of Section 36.

25. In the said Regulation, for Section 36, the following shall be substituted, namely:—

Refund to individual shareholders, partners and owners of securities.

"36. (1) (*a*) If—

(*i*) a shareholder in a company who has received any dividend from the company; or

(*ii*) a partner in a firm on which income tax has been levied at the rate provided in Schedule I B who has received a share of the profits of the firm; or

(*iii*) the owner of a security from the interest on which income tax has been deducted in accordance with the provisions of Section 15;

Satisfies the Collector that his total income in the previous year was less than any one, as the case may be, of the amounts specified in Schedule II, he shall be entitled to a refund of a sum calculated on such dividend, share of profits or interest at the rates specified in the same schedule against each such amount.

Refund on salary.

(*b*) If any person, from whose salary income tax has been deducted in accordance with the provisions of Section 15, satisfies the Collector that the rate of income tax applicable to his total income of the previous year was less than the rate at which income tax has been charged in making such deduction in that year or that his total income of the previous year was below the minimum chargeable with income tax, he shall be entitled to a refund on the amount of salary from whch such deduction has been made calculated at the difference between those rates or at the rate at which income tax has been deducted, as the case may be

(2) For purposes of this Section, "total income" shall include, in the case of any person not resident in Travancore, all income, profits or gains wherever arising, accruing or received which, if arising, accruing or received in Travancore, would be included in the computation of total income.

(3) Nothing in this Section shall entitle to any refund any person not resident in Travancore who is neither a British subject nor a subject of Travancore.

Explanation. - In computing the total income, no income derived from any land outside Travancore shall be deemed agricultural income."

Amendment of Section 36 A.

26. For Section 36 A of the said Regulation, the following shall be substituted, namely :—

Power to set off amount of refunds against tax remaining payable.

"36 A. Where, under any of the provisions of this Regulation, a refund is found to be due to any person, the Collector, the Commissioner or the Chief Revenue Authority, as the case may be, may, in lieu of payment of the refund, set off the amount to be refunded or any part of that amount against the tax, if any, remaining payable by the person to whom the refund is due."

Amendment of Section 38.

27. In Section 38 of the said Regulation,

(1) in clause (*b*), after the figure "15", the words and figure "or by Section 15 B" shall be inserted ;

(2) in clause (*c*), before the word "Section", where it occurs for the first time, the words and figure "Section 15 AA" shall be inserted, and ;

(3) in clause (*e*) before the word "Section" the following shall be ins rted, namely :—

Section 17 (4) or",

Amendment of Section 39.

28. In Section 39 of the said Regulation, before the word "Section" where it occurs for the first time, the words and figure "Section 15 AA or" shall be inserted.

Amendment of Section 41.

29. In the proviso to Section 41 of the said Regulation, the word "or" occurring at the end of clause (*c*) and clause (*d*) shall be omitted.

Insertion of a new Chapter VI A.

30. In the said Regulation, after Chapter VI, the following Chapter shall be inserted, namely :—

"CHAPTER VI A.

Charge of supertax.

41. A. In addition to the income tax charged for any year, there shall be charged, levied and paid for that year in respect of the total income of the previous year of any individual, undivided Hindu family or Marumakkathayam Tarwad, company, unregistered firm or other association of individuals, not being a registered firm, an additional duty of income tax (in this Regulation referred to as supertax) at the rate or rates laid down in Schedule III.

Provided that where the profits and gains of an unregistered firm have been assessed to supertax, supertax shall not be payable by an individual having a share in the firm in respect of the amount of such profits and gains which is proportionate to his share.

Total income for purposes of supertax.

41. B. Subject to the provisions of this Chapter, the total income of any individual, undivided Hindu family or Marumakkathayam Tarwad, company, unregistered firm or other association of individuals, shall, for the purposes of supertax, be the total income as assessed for the purposes of income tax, and where an assessment of total income has become final and conclusive for the purposes of income tax for any year, the assessment shall also be final and conclusive for the purposes of supertax for the same year.

Non-resident partners and shareholders.

41 C. (1) In the case of any person residing out of Travancore who is a member of a registered firm and whose share of the profits from such firm is liable to supertax, the remaining members of such firm who are resident in Travancore shall be jointly and severally, liable to pay the supertax due from the non-resident member in respect of such share.

(2) Where the Collector has reason to believe that any person who is a shareholder in a company and is liable to pay supertax on the amount of the dividends receivable by him from the company is resident out of Travancore, the Collector may by order in writing require the principal officer of that company to pay the supertax.

(3) Where the principal officer of a company has not reason to believe that a person who is a shareholder in that company and liable to pay supertax on the amount of the dividends receivable by him from the company is resident in Travancore or where the principal officer of a company has been required to pay supertax on account of any person who is a shareholder in the company as mentioned in sub-section (2), the principal officer shall be liable to pay the supertax due by such

person in respect of the dividends received by him from the company and shall have power to deduct the amount of such supertax from the amount payable by the company to such person.

(4) Where any person pays any tax under the provisions of this Section on account of another person who is residing out of Travancore, credit shall be given therefor in determining the amount of tax to be payable by any agent of such non-resident person under the provisions of Sections 32 and 33.

41. D. All the provisions of this Regulation except the proviso to sub-section (1) of Section 5, the proviso to Section 6, sub-section (1) of Section 11, so far as it relates to companies and firms, sub-section (2) of Section 11, and Sections 14, 15, 15 A, 15 B, 16 and 36 shall apply, so far as may be, to the charge, assessment, collection and recovery of supertax."

Amendment of Section 50.

31. In Section 50 of the said Regulation.

(1) for sub-section (2), the following shall be substituted, namely :—

"(2) Within sixty days of the date on which he is served with notice of an order under Section 22, or Section 22 A, or of an order under Section 23 enhancing an assessment or otherwise prejudicial to him, the assessee, in respect of whom the order was passed, may, by application accompanied by a fee of one hundred rupees or such lesser sum as may be prescribed require the Chief Revenue Authority to refer to the High Court any question of law arising out of such order and the Chief Revenue Authority shall, within sixty days of the receipt of such application, draw up a statement of the case and refer it with his opinion thereon to the High Court:

Provided that a reference shall lie from an order under Section 23, only on a question of law arising out of that order itself, and not on a question of law arising out of a previous order under Section 22 or Section 22 A revised by the order under Section 23:

Provided further that if, in exercise of his power under Section 23, the Chief Revenue Authority decides the question or if the Chief Revenue Authority rejects the application on the ground that it is time-barred or otherwise incompetent, or if, in exercise of his power under sub-section (3), the Chief Revenue Authority refuses to state the case, the assessee may, within thirty days from the date on which he receives notice of the order passed by the Chief Revenue Authority, withdraw his application, and if he does so, the fee paid shall be refunded";

(2) in sub-section (3), after the word "may" where it occurs for the first time, the following words shall be inserted, namely :—

"within six months from the date on which he is served with the notice of the refusal";

(3) after sub-section (3) and before sub-section (4), the following sub-section shall be inserted, namely :—

"(3 a) If on any application being made under sub-section (2), the Chief Revenue Authority rejects it on the ground that it is time-barred, the assessee may, within two months from the date on which he is served with the notice of the order of the Chief Revenue Authority, apply to the High Court, and the High Court, if it is not satisfied of the correctness of the Chief Revenue Authority's decision, may require the Chief Revenue Authority to treat the application as made within the time allowed under sub-section (2)"; and

(4) After sub-section (7), the following sub-sections shall be added, namely:—

"(8) Section 5 of the Travancore Limitation Regulation shall apply to an application to the High Court by an assessee (under sub-section 3) or sub-section (3 a).

(9) When any person defaults to pay the costs ordered by the High Court, the Collector concerned may apply for the realisation of the amount to the District Court having local jurisdiction, and such Court shall, on receipt of the Collector's application, execute the order as if it were its own decree."

Amendment of Schedule I.

32. In the said Regulation, for Schedule I, the following Schedule shall be substituted namely:—

"SCHEDULE I.

RATES OF TAX.

(See Section 13.)

A. In the case of every individual, Hindu undivided family, unregistered firm and other association of individuals not being a registered firm or a company—	Rate.
(1) When the total income is less than Rs. 2,000.	Nil.
(2) When the total income is Rs. 2,000 or upwards, but is less than Rs. 5,000.	Ten cash in the rupee.
(3) When the total income is Rs. 5,000 or upwards, but is less than Rs. 10,000.	Twelve cash in the rupee.
(4) When the total income is Rs. 10,000 or upwards, but is less than Rs. 15,000.	One chuckram in the rupee.
(5) When the total income is Rs. 15,000 or upwards, but is less than Rs. 20,000.	One chuckram and four cash, in the rupee.
(6) When the total income is Rs. 20,000 or upwards, but is less than Rs. 30,000.	One chuckram and twelve cash, in the rupee.
(7) When the total income is Rs. 30,000 or upwards, but is less than Rs. 40,000.	Two chuckrams in the rupee.
(8) When the total income is Rs. 40,000 or upwards, but is less than Rs. 50,000.	Two chuckrams and eight cash in the rupee.

(9) When the total income is Rs. 50,000 or upwards, but is less than Rs. 1,00,000.	Two chuckrams and twelve cash in the rupee.
(10) Wden the total income is Rs. 1,00,000 or upwards	Three chuckrams in the rupee.
B. In the case of every company and registered firm, whatever its total income.	Three chuckrams in the rupee."

Insertion of a new Schedule II.

33. In the said Regulation, for Schedule II, the following Schedule shall be substituted, namely :—

"SCHEDULE II.

RATES OF REFUND.

(*See Section 36.*)

	Refund.
(1) Less than Rs. 2,000.	Three chuckrams in the rupee.
(2) Rs. 2,000 or upwards, but less than Rs. 5,000.	Two chuckrams and six cash in the rupee.
(3) Rs. 5,000 or upwards, but less than Rs. 10,000.	Two chuckrams and four cash in the rupee.
(4) Rs. 10,000 or upwards, but less than Rs. 15,000.	Two chuckrams in the rupee.
(5) Rs. 15,000 or upwards, but less than Rs. 20,000.	One chuckram and twelve cash in the rupee.
(6) Rs. 20,000 or upwards, but less than Rs. 30,000.	One chuckram and four cash in the rupee.
(7) Rs. 30,000 or upwards but less than Rs. 40,000.	One chuckram in the rupee.
(8) Rs. 40,000 or upwards, but less than Rs. 50,000,	Eight cash in the rupee.
(9) Rs. 50,000 or upwards, but less than Rs. 1,00,000.	Four cash in the rupee."

34. In the said Regulation, after Schedule II, the following Schedule be added, namely :—

Insertion of a new Schedule III.

"SCHEDULE III.

RATES OF SUPER-TAX.

(*See Section 41 A.*)

In respect of the excess over thirty thousand rupees of total income :-

	Rate
(1) in the case of every company—	
(*a*) in respect of the first twenty thousand rupees of such excess.	Nil
(*b*) for every rupee of the remainder of such excess.	One chuckram in the rupee.
(2) (*a*) in the case of every Hindu undivided family	
(i) in respect of the first fortyfive thousand rupees of such excess.	Nil.

(ii) for every rupee of the next twenty five thousand rupees of such excess.	One chuckram and four cash in the rupee.
(b) in the case of every individual, unregistered firm and other association of individuals not being a registered firm or a company—	
(i) for every rupee of the first twenty thousand rupees of such excess.	Twelve cash in the rupee.
(ii) for every rupee of the next fifty thousand rupees of such excess.	One chuckram and four cash in the rupee.
(c) in the case of every individual, Hindu undivided family, unregistered firm and other association of individuals not being a registered firm or a company—	
(i) for every rupee of the next fifty thousand rupees of such excess.	One chuckram and twelve cash in the rupee.
(ii) for every rupee of the next fifty thousand rupees of such excess.	Two chuckrams and four cash in the rupee.
(iii) for every rupee of the next fifty thousand rupees of such excess.	Two chuckrams and twelve cash in the rupee.
(iv) for every rupee of the next fifty thousand rupees of such excess.	Three chuckrams and four cash in the rupee.
(v) for every rupee of the next fifty thousand rupees of such excess:	Three chuckrams and twelve cash in the rupee.
(vi) for every rupee of the next fifty thousand rupees of such excess.	Four chuckrams and four cash in the rupee.
(vii) for every rupee of the next fifty thousand rupees of such excess.	Four chuckrams and twelve cash in the rupee.
(viii) for every rupee of the next fifty thousand rupees of such excess.	Five chuckrams and four cash in the rupee.
(ix) for every rupee of the next fifty thousand rupees of such excess.	Five chuckrams and twelve cash in the rupee.
(x) for every rupee of the remainder of such excess.	Six chuckrams and four cash in the rupee

Office of the Secretary to the Sri Chitra State Council
Trivandrum, 15th March 1937

P. PARAMESVARAN PILLAI
Secretary to the Sri Chitra State Council

Annexure III.

A BILL TO AMEND THE TRAVANCORE FOREST REGULATION OF 1068.

(As passed by the Sri Chitra State Council.)

Whereas it is expedient further to amend the Travancore Forest Regulation of 1068 (II of 1068 as amended by Regulations IV of 1071, IX of 1085, IV of 1089 and VIII of 1097) for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. (*a*) This Regulation may be called the Travancore Forest Regulation (Amendment) Regulation 1112.

(*b*) It shall come into force at once.

2. In the Travancore Forest Regulation of 1068 (II of 1068 as amended by Regulations IV of 1071, IX of 1085, IV of 1089 and VIII of 1097) in Section 47 A, after the words "such person", the words "on bail, or" shall be inserted.

Office of the Secretary to
the Sri Chitra State Council,
Trivandrum, 15th March 1937.

P. PARAMESVARAN PILLAI,
Secretary to the Sri Chitra State Council.

Annexure IV.

THE TRAVANCORE BAR COUNCIL BILL.

(*As passed by the Sri Mulam Assembly.*)

A BILL TO PROVIDE FOR THE CONSTITUTION OF A BAR COUNCIL IN TRAVANCORE AND FOR OTHER PURPOSES.

Whereas it is expedient to provide for the constitution and incorporation of a Bar Council in Travancore, to confer powers and impose duties on the Bar Council and to amend the Vakil's Regulation, 1075 and the Travancore Stamp Regulation for certain purposes; It is hereby enacted as follows :—

PRELIMINARY.

Short title, extent, application and Commencement.

1. (i) This Regulation may be called the Travancore Bar Council Regulation.

(ii) It extends to the whole of Travancore.

(iii) This Section and Sections 2, 17, 18 and 20 shall come into force on the 1st day of Chingom 1113 and Our Gouernment may, by notification in Our Government Gazette, direct that the other provisions of this Regulation, or any provision thereof specified in the notification, shall come into force on such date thereafter as Our Government may by notification appoint.

Interpretation.

2. In this Regulation unless there is anything repugnant in the subject or context,—

(*a*) "Advocate" means an advocate entered in the roll of advocates under the provisions of this Regulation.

(*b*) "Advocate-General" means any Law Officer of Our Government or any advocate, declared by Our Government to be Advocate-General for the purposes of this Regulation.

(*c*) "Council" means the Travancore Bar Council constituted under the provisions of this Regulation.

(*d*) "High Court" means a Full Bench of the High Court.

(*e*) "Prescribed" means prescribed by rules made under this Regulation.

(*f*) "Tout" means a person (*a*) who procures, in consideration of any remuneration moving from any legal practitioner, the employment of the legal practitioner in any legal business; or who proposes to any legal practitioner or to any person interested in any legal business to procure, in consideration of any remuneration moving from either of them, the employment or the legal practitioner in such business; or (*b*) who for the purposes of such procurement frequents the precincts of Civil or Criminal Courts or of Revenue Offices, or railway stations, landing stages, lodging places or other places of public resort.

CONSTITUTION OF BAR COUNCIL.

Constitution and incorporation of Bar Council.

3. (1) A Bar Council shall be constituted for Travancore in the manner hereinafter provided.

(2) The Bar Council so constituted shall be a body corporate having perpetual succession and a common seal with power to acquire and hold property, both movable and immovable, and to contract, and shall by the name of the Travancore Bar Council sue and be sued.

Composition of the Bar Council.

4. (1) The Council shall consist of fifteen members of whom—

(*a*) one shall be the Advocate-General;

(*b*) four shall be persons nominated by the High Court, of whom not more than two may be judges of that Court; and

(*c*) ten members shall be elected by the advocates from amongst their number.

(2) Of the elected members of the Council not less than five shall be persons who have, for not less than ten years, been entitled as of right to practise in the High Court.

(3) The Advocate-General shall be the Chairman of the Council and there shall also be a Vice-Chairman elected by the Council in such manner as may be prescribed:

Provided that Our Government may at any time direct that the Chairman also may be elected by the Council in such manner as may be prescribed.

Special provisions regarding constitution of first Bar Council.

5. (1) Notwithstanding anything contained in clause (*c*) of sub-section (1) of Section 4, the elected members of the first Council shall be elected by and from amongst those who are on the date of the election entitled as of right to practise in the High Court.

(2) The term of office of the nominated and elected members of the first Council shall be three years from the date of the first meeting of the Council.

Power to make rules regarding constitution and procedure of the Bar Council.

6. (1) Rules, consistent with this Regulation, may be made to provide for the following matters, namely:—

(*a*) the manner in which elections of members of the Council shall be held; the method of determining, in accordance with the provisions of sub-section (2) of Section 4, the candidate who shall be declared to have been elected; the manner in which the result of the elections shall be published; and the manner in which and the authority by which doubts and disputes as to the validity of an election shall be finally decided;

(*b*) the terms of office of nominated and elected members of the Council;

(*c*) the filling of casual vacancies in the Council;

(*d*) the convening of meetings of the Council, and the quorum necessary for the transaction of business thereat;

(*e*) the manner of election and the respective terms of office of the Chairman and Vice-Chairman; and

(*f*) any matter incidental or ancilliary to any of the foregoing matters.

(2) The first rules under this Section shall be made by the High Court, but the Council may thereafter, with the previous sanction of the High Court, add to, amend or rescind any rules so made.

(3) No election of a member or members to the Council shall be called in question on the ground that due notice thereof has not been given to any person entitled to vote thereat, if notice of the date fixed for election has, not less than thirty days before that date, been published in Our Government Gazette.

(4) Rules made under clause (b) of sub-section (1) may provide for the retirement of members from office by rotation and for the manner in which the order of such retirement shall be determined.

Power of Bar Council to make bye-laws.

7. The Council may make bye-laws, consistent with this Regulation and any rules made thereunder, to provide for any of the following matters, namely:—

(a) The appointment of such ministerial officers and servants as the Council may deem necessary, and the pay and allowances and other conditions of service of such officers and servants; and

(b) The appointment and constitution of Committees of the Council, the procedure of such Committees, and the determination of the powers or duties of the Council, which may be delegated to such Committees.

ADMISSION AND ENROLMENT OF ADVOCATES.

Enrolment of Advocates.

8. (1) No person shall be entitled as of right to practise in the High Court or in any of the Courts subordinate thereto unless his name is entered in the roll of advocates maintained under this Regulation:

Provided that those who are enrolled before this Section comes into force as Vakils of any Court subordinate to the High Court but are not eligible for enrolment as advocates shall be entitled to practise as Vakil so long as their enrolment remains in force:

Provided further that any person who is enrolled as a Vakil of any District Court under the provisions of any rules made under Section 9, sub-section (3), shall be entitled to practise as vakil as if he had been admitted as a vakil of that Court under the Vakil's Regulation 1075, and shall be subject to the provisions of that Regulation:

Provided also that, in the case of any person who is enrolled before this Section comes into force as a vakil of any court subordinate to the High Court, the stamp duty shall notwithstanding anything contained in Article 30 as the Schedule to the Travancore Stamp Regulation, be Rs. 100 only for his enrolment as an advocate under this regulation wherever such person is admitted as an advocate on application made within three months of the date on which this Section comes into force or, if he be not eligible to be admitted as advocate on such date, within three months of his becoming eligible to be so admitted:

Provided also that nothing in this Regulation shall be deemed to take away the power of a Criminal Court to permit any person to appear and plead in any Criminal case before that Court under the provisions of the Code of Criminal Procedure.

(2) The High Court shall prepare and maintain a roll of advocates in which shall be entered the names of —

(a) all persons who were entitled as of right to practise in the High Court immediately before the date on which this Section comes into force ; and

(b) all other persons who are admitted as advocates under this Regulation :

Provided that such persons shall have paid in respect of enrolment the stamp duty, if any, chargeable under the Travancore Stamp Regulation and a fee payable to the Council, which shall be Rs. 10 in the case of persons referred to in clause (a), and in other cases such amount as may be prescribed.

(3) The High Court shall issue a certificate of enrolment to every person enrolled under this Section.

(4) The High Court shall send to the Council a copy of the roll as prepared under the Section, and shall thereafter communicate to the Council all alterations in, and additions to, the roll as soon as the same have been made.

(5) The Council shall enter in the copy of the roll all alterations and additions so communicated to it.

Qualifications and admission of advocates.

2. (1) The Council may, with the previous sanction of the High Court, make rules to regulate the admission of persons as advocates.

Provided that such rules shall not limit, or in any way affect the powers of the High Court to refuse admission to any person at its discretion.

(2) in particular and without prejudice to the generality of the foregoing power, such rules shall provide for the following matters, namely: —

(a) the qualification to be possessed by persons applying for admission as advocates ;

(b) the form and the manner in which applications shall be made to the High Court for admission ;

(c) the giving of notice by the High Court to the Council of all such applications ;

(d) the hearing by the High Court of any objection preferred on behalf of the Council to the admission of any applicant ; and

(e) the charging of fees payable to the Council in respect of enrolment.

(3) Such Rules shall, notwithstanding anything contained above in this Section, provide also for those second grade pleaders who are vakils of any District Munsiff's Court in Travancore on the 1st day of Chingam 1113 M. E. and continue to be such being qualified to apply for enrolment as vakil of any District Court as the result of an examination held from time to time (for which a fee may be charged) by or under the supervision of the Council and for the persons so qualified being enrolled as vakils of any District Court, and certificates of enrolment granted, by the High Court, on payment of the stamp duty, if any, chargeable under the Travancore Stamp Regulation: Provided that nothing in the rules shall limit or in any way affect the powers of the High Court to refuse enrolment to any person at its discretion.

MISCONDUCT.

10. (1) The High Court may, in the manner hereinafter provided, reprimand, suspend or remove from practice any advocate whom it finds guilty of professional or other misconduct.

Punishment of Advocates for misconduct.

(2) Upon receipt of a complaint made to it by any Court or by the Council or by any other person that any advocate has been guilty of misconduct, the High Court shall, if it does not summarily reject the complaint, refer the case for enquiry either to the Council or, after consultation with the Council, to the Court of a District Judge (hereinafter referred to as the District Court) and may of its own motion so refer any case in which it has otherwise reason to believe that any advocate has been so guilty.

11. (1) Where any case is referred for enquiry to the Council under Section 10, the case shall be enquired into by a Committee of the Council (hereinafter referred to as the Tribunal).

Tribunal of the Bar Council

(2) The Tribunal shall consist of not less than three and not more than five members of the Council appointed for the purpose of the enquiry by the High Court and one of the members so appointed shall be appointed to be the President of the Tribunal.

12. (1) The High Court shall make rules to prescribe the procedure to be followed by the Tribunal and by District Courts respectively in the conduct of enquiries referred under Section 10.

Procedure in enquiries.

(2) The finding of the Tribunal on an enquiry referred to the Council under Section 10 shlal be forwarded to the High Court through the Council and the finding of a District Court on such an enquiry shall be forwarded direct to the High Court which shall causo a copy thereof to be sent to the Council.

(3) On receipt of the finding, the High Court shall fix a date for the hearing of the case and shall cause notice of the day so fixed to be given to the advocate concerned and to the Council and to the Advocate-General and shall afford the advocate concerned and the Council and the advocate general an opportunity of being heard before orders are passed in the case.

(4) The High Court may thereafter either pass such final orders in the case as it thinks fit or refer it back for further enquiry to the Tribunal through the Council or to the District Court, as the case may be, and upon receipt of the finding after such further enquiry deal with the case in the manner provided in sub-section (3) and pass final orders thereon.

(5) In passing final orders, the High Court may pass such order as regards the payment of the costs of the enquiry and of the hearing in the High Court as it thinks fit.

(6) The High Court may, of its own motion or on application made to it in this behalf, review any order passed under sub-section (4) or sub-section (5) and maintain, vary or rescind the same as it thinks fit.

(7) When any advocate is reprimanded or suspended under this Regulation, a record of the punishment shall be entered against his name in the roll of advocates ; and when an advocate is removed from practice, his name shall forthwith be struck off the roll; and the certificate of any advocate so suspended or removed shall be recalled.

13. (1) For the purposes of any such enquiry as aforesaid, the Tribunal or District Court shall have the same powers as are vested in a Court under the Code of Civil Procedure, 1100, in respect of the following matters, namely :—

Powers of the Tribunal and Courts in enquiries.

(a) enforcing the attendance of any person and examining him upon oath ;

(b) compelling the production of documents ; and

(c) issuing commissions for the examination of witnesses :

Provided that the Tribunal shall not have power to require the attendance of the presiding officer of any Court save with the previous sanction of the High Court.

(2) Every such enquiry shall be deemed to be a judicial proceeding within the meaning of Sections 187 and 226 of the Travancore Penal Code and the Tribunal shall be deemed to be a Civil Court for the purpose of Sections 359, 361 and 363 of the Code of Criminal Pocedure."

(3) For the purpose of enforcing the attendance of any person and examining him upon oath or of compelling the production of documents or of issuing commissions, the Tribunal may send to any Civil Court any summons or other process for the attendance of a witness or the production of a document required by the Tribunal or any commission which it desires to issue, and the Civil Court shall serve such process or issue such commission as the case may be, and may enforce any such process as if it were a process for attendance or production before itself.

(4) In any such inquiry before a Tribunal or a District Court no witness shall be excused from answering any question as to any matter relevant to the matter in issue upon the ground that the answers to such questions will incriminate or may tend directly or indirectly to incriminate such witness or that it will expose, or tend directly or indirectly to expose, such witness to a penalty or forfeiture of any kind :

Provided that no such answer which a witness is compelled to give shall subject him to any arrest or prosecution or be proved against him in any criminal proceeding except a prosecution for giving false evidence by such answer.

MISCELLANEOUS.

14. (1) An advocate shall be entitled as of right, to practise.—

Right of advocates to practise.

(a) in the High Court and the Courts subordinate thereto ; and

(b) save as otherwise provided under any other law for the time being in force before any other tribunal or person legally authorised to take evidence ; and

(c) before any other authority or person before whom such advocate is by or under the law for the time being in force, entitled to practise.

(2) Notwithstanding anything in this Regulation or the rules made thereunder any person, whether holding a permanent appointment or not under Government, who may be appointed under the orders of Government to be or to act as, or to be in charge of the office of, any Sirkar Vakil, shall, so long as he holds that office, be deemed to be an advocate.

Explanation.—The term "Sirkar Vakil" includes Head Sirkar Vakil, Additional Head Sirkar Vakil, and all classes of Sirkar Vakils.

15. The Council may, with the previous sanction of the High Court make rules consistent with this Regulation to provide for and regulate any of the following matters, namely :—

General power of the Bar Council to make rules.

(a) the right and duties of the advocates and their discipline and professional conduct ;

(b) The conditions subject to which advocates or practitioners of the High Courts or Chief Courts of other States or Provinces may be permitted to practise in the High Court and the Courts subordinate thereto ;

(c) the giving of facilities for legal education and training and the holding and conduct of examinations by the Council ;

(d) the charging of fees payable to the Council in respect of the enjoyment of educational facilities provided or of the right to appear at examinations held by the Council ;

(e) the investment and management of the funds of the Council ; and

(f) any other matter in respect of which the High Court may require rules to be made under this Section.

16. The High Court shall, after consulting the Council, make rules for fixing and regulating by taxation or otherwise.—

Power to fix fees payable as costs.

(a) the fees payable as costs by any party in respect of the fees of his adversary's advocate; and

(b) the fees payable to his own advocate in the High Court or in any Court subordinate thereto.

17. No suit or other legal proceeding shall lie against the Council or any Committee, or Tribunal or member of the Council for any act in good faith done or intended to be done in pursuance of the provisions of this Regulation or any rule made thereunder.

Indemnity against legal proceedings.

18. All rules made under this Regulation shall be published in Our Government Gazette.

Publication of rules.

19. (1) The High Court, every District Judge, Sessions Judge and District Magistrate, each as regards their or his Court and the Courts, if any, subordinate thereto, may frame and publish lists of persons proved, to their or his satisfaction by evidence of general repute or otherwise, to act habitually as touts and may from time to time alter and amend such lists.

Power to frame and publish lists of touts.

(2) No person's name shall be included in any such list until he shall have had an opportunity of showing cause against such inclusion.

(3) A copy of every such list shall be kept hung up in every Court to which the same relates.

(4) The Court or Judge may, by general or special order, exclude from the precincts of the Court any person whose name is included in any such list.

20. (1) When Sections 8 to 16 come into force, the enactments mentioned in the first column of the Schedule shall be amended to the extent and in the manner specified in the second column of the Schedule.

Amendment of enactments.

(2) When this Regulation comes into force, any provision of any other enactment or any order, scheme, rule, form or bye-law made thereunder, which was before that date applicable to persons entitled to practise in the High Court shall, unless such a construction is repugnant to the context or to any provisions made by or under this Regulation, be construed as applying to the advocates enrolled under this Regulation.

THE SCHEDULE.

AMENDMENT OF ENACTMENTS.

Enactments amended or repealed.	Extent and manner of amendment or repealment.
1. The Vakil's Regulation, 1075. (Regulation III of 1075.)	(1) In Section 4, clauses (*a*) and (*b*) shall be deleted. (2) Sections 5 and 6 shall be deleted. (3) In Section 9, the proviso shall be deleted. (4) Section 12 shall be deleted. (5) In Section 14, the proviso shall be deleted. (6) In Section 15, the words "in the High Court and" occurring after the word "proceeding" shall be deleted. (7) The following shall be added as a new Section at the end :— "32. Nothing in this Regulation shall be deemed to apply to advocates within the meaning of the Travancore Bar Councils Regulation."
The Travancore Stamp Regulation (Regulation IV of 1080.)	In the Schedule, Article 30. (i) for the words "entry as a vakil on the Roll of the High Court, District Court, Munsiff's Court or Magistrate's Court", occurring in the first column, the word "enrolment" shall be substituted. (ii) for the words "High Court" occurring in Clause (*a*) in the first column, the words "As advocates under the Travancore Bar Councils Regulation" shall be substituted; and for the words "District Court" occurring in Clause (*b*) in the first column, the words "As vakil of any District Court under the Travancore Bar Council Regulation" shall be substituted; and (iii) clauses (*c*), (*d*) and (*e*) (both the columns) shall be deleted.

Office of the Secretary to the Sri Chitra State Council.
Trivandrum, 15th March 1937.

P. PARAMESVARAN PILLAI.
Secretary to the Sri Chitra State Council.

Annexure V.

THE TRAVANCORE IDENTIFICATION OF PRISONERS BILL.

(As passed by the Sri Chitra State Council.)

A Regulation to authorise the taking of measurements and photographs of convicts and others.

Whereas it is expedient to authorise the taking of measurements and photographs of convicts and others; It is hereby enacted as follows:—

Short title and extent.

1. (1) This Regulation may be called the Travancore Identification of Prisoners Regulation;

(2) It shall come into force at once; and

(3) It shall extend to the whole of Travancore.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context,—

(*a*) "measurement" includes finger impressions and foot-print impressions;

(*b*) "police officer" means an officer in charge of a police station, a police officer making an investigation under XIV Chapter of the Code of Criminal Procedure, or any other police officer not below the rank of Sub-Inspector; and

(*c*) "prescribed" means prescribed by rules made under this Regulation.

Taking of measurements, etc. of convicted person.

3. Every person who has been—

(*a*) convicted of any offence punishable with rigorous imprisonment for a term of one year or upwards, or of any offence which would render him liable to enhanced punishment on a subsequent conviction; or

(*b*) ordered to give security for his good behaviour under Section 101 of the Code of Criminal Procedure,

shall, if so required, allow his measurements and photograph to be taken by a police officer in the prescribed manner.

Taking of measurements, etc., of non-convicted persons.

4. Any person who has been arrested in connection with an offence punishable with rigorous imprisonment for a term of one year or upwards shall, if so required by a police officer, allow his measurements to be taken in the prescribed manner.

Power of Magistrate to order a person to be measured or photographed.

5. If a Magistrate is satisfied that, for the purposes of any investigation or proceeding under the Code of Criminal Procedure, it is expedient to direct any person to allow his measurements or photograph to be taken, he may make an order to that effect, and in that case the person to whom the order relates shall be produced or shall attend at the time and place specified in the order and shall allow hi measurements or photograph to be taken, as the case may be, by a police fficer;

Provided that no order shall be made directing any person to be photographed except by a Magistrate of the First Class:

Provided, further, that no order shall be made under this Section unless the person has at some time been arrested in connection with such investigation or proceeding.

Resistance to the taking of measurements, etc.

6. (1) If any person who under this Regulation is required to allow his measurements or photograph to be taken resists or refuses to allow the taking of the same, it shall be lawful to use all means necessary to secure the taking thereof.

(2) Resistance to or refusal to allow the taking of measurements or photographs under this Regulation shall be deemed to be an offence under Section 179 of the Travancore Penal Code.

Destruction of photographs and records of measurements etc., on acquittal.

7. Where any person who, not having been previously convicted of an offence punishable with rigorous imprisonment for a term of one year or upwards had had his measurements taken or has been photographed in accordance with the provisions of this Regulation is released without trial or discharged or acquitted by any Court, all measurements and all photographs (both negatives and copies) so taken shall unless the Court or (in a case where such person is released without trial) the District Magistrate for reasons to be recorded in writing otherwise directs, be destroyed or made over to him.

Power to make rules

8. (1) Our government may make rules for the purpose of carrying into effect the provisions of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for—

(a) restrictions on the taking of photographs of persons under Section 5;

(b) the place at which measurements and photographs may be taken;

(c) the nature of the measurements that may be taken;

(d) the method in which any class or classes of measurements shall be taken;

(e) the dress to be worn by a person when being photographed under Section 3; and

(f) the preservation, safe custody, destruction and disposal of records of measurements and photographs.

Bar of suits.

9. No suit or other proceeding shall lie against any person for anything done, or intended to be done in good faith under this Regulation or under any rule made thereunder.

Office of the Secretary to the
Sri Chitra State Council.
Trivandrum, 15th March 1037.

P. PARAMESVARAN PILLAI,
Secretary to the Sri Chitra State Council.

Annexure

THE TRAVANCORE CO-OPERATIVE SOCIETIES BILL.

(As passed by the Sri Chitra State Council.)

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THE TRAVANCORE CO-OPERATIVE SOCIETIES BILL.

(AS PASSED BY THE SRI CHITRA STATE COUNCIL.)

Preamble.

Whereas it is expedient further to facilitate the formation and working of Co-operative Societies for the promotion of thrift, self-help and mutual aid among agriculturists and other persons with common economic needs so as to bring about better living, better business and better methods of production and for that purpose to consolidate and amend the law relating to Co-operative Societies in Travancore; It is hereby enacted as follows:—

PRELIMINARY.

Short title and extent.

1. (1) This Regulation may be called the Travancore Co-operative Societies Regulation 1112.

(2) It shall come into force on such date as Our Government may appoint in that behalf by notification in Our Government Gazette.

(3) It shall extend to the whole of Travancore.

Definitions

2. In this Regulation, unless there is anything repugnant in the subject or context—

(*a*) "Bye-laws" means the registered bye-laws for the time being in force and includes a registered amendment of the bye-laws;

(*b*) "Committee" means the governing body of a registered society to whom the management of its affairs is entrusted;

(*c*) "Member" includes a person joining in the application for the registration of society and a person admitted to membership after registration in accordance with the byelaws and rules;

(*d*) "Officer" includes a Chairman, Vice-Chairman, a President, Vice-President, Secretary, Assistant Secretary, Treasurer, Member of Committee and any other person empowered under the rules or bye-laws to give directions in regard to the business of the society;

(*e*) "Registered Society" or "Society" means a society registered or deemed to be registered under this Regulation;

(*f*) "Registrar" means a person appointed to perform the duties of a Registrar of Co-operative Societies under this Regulation;

(*g*) "Rules" means rules made under this Regulation; and

(*h*) "Prescribed" means prescribed by rules made by Our Government under the Regulation.

REGISTRATION.

The Registrar.

3. Our Government may appoint a person to be Registrar of Co-operative Societies for the whole of Travancore and may appoint persons to assist such Registrar and may by general or special order confer on any such persons all or any of the powers of a Registrar under this Regulation.

Societies which may be registered.

4. Subject to the provisions hereinafter contained, a society which has as its object the promotion of the economic interests of its members in accordance with co-operative principles, or a society, established with the object of facilitating the operations of such a society, may be registered under this Regulation with or without limited liability:

Provided that unless Our Government by general or special order otherwise directs—

(*i*) the liability of a society of which a member is a registered society shall be limited; and

(*ii*) the liability of a society of which the primary object is the creation of funds to be lent to its members, and of which the majority of the members are agriculturists and of which no member is a registered society shall be unlimited and the members of such a society shall, on its liquidation, be jointly and severally liable for and in respect of all its obligations:

Provided further that when the question whether the liability of a society is limited or unlimited has been decided at the time of registration, the decision shall be final.

Change of liability.

5. (1) Subject to the first proviso to Section 4 and to any rules made in this behalf, a registered society may, with the previous sanction of the Registrar, change its liability from limited to unlimited or from unlimited to limited:

Provided that—

(*i*) the society shall give notice in writing in the prescribed manner of its intention to change its liability to all its members and creditors

(*ii*) any member or creditor shall, notwithstanding any bye-law or contract to the contrary, have the option of withdrawing his shares, or deposits or loans, as the case may be, within three months of the service of such notice on him and the change shall not take effect; until all such claims have been satisfied; and

(*iii*) any member or creditor, who does not exercise his option within the period aforesaid, shall be deemed to have assented to the change.

(2) Notwithstanding anything contained in the proviso to sub-section (1), the change shall take effect at once if all the members and creditors assent thereto, in the prescribed manner.

Restrictions on interest of member of society with limited liability and a share capital.

6. Where the liability of the members of a society is limited by shares, no member other than a registered society shall—

(*a*) hold more than such portion of the share capital of the society, subject to a maximum of one-fifth, as may be prescribed by the rules; or

(*b*) have or claim any interest in the shares of the society exceeding thousand rupees.

Conditions of Registration.

7. (1) No society, other than a society of which a member is a registered society, shall be registered under this Regulation which does not consist of at least ten persons who have attained the age of majority and, where the object of the society is the creation of funds to be lent to its members, unless such persons reside in the same town or village or in the same group of villages.

Explanation. Nothing in this sub-section shall be deemed to prohibit the registration, in exceptional cases, of societies restricted to members of the same tribe, class, caste or occupation.

(2) The word 'limited' shall be the last word in the name of every society with limited liability registered under this Regulation.

Power of Registrar to decide certain questions.

8. When any question arises whether for the purpose of the formation or registration or continuance of a society under this Regulation, a person is an agriculturist or a non-agriculturist or whether any person is a resident in a town or village or group of villages or whether two or more villages shall be considered to form a group or whether any person belongs to any particular tribe, class, caste or occupation, the question shall be decided by the Registrar whose decision shall be final.

9. (1) For purposes of registration, an application to register shall be made to the Registrar.

Application for registration.

(2) The application shall be signed—

(*a*) in the case of a society of which no member is a registered society, by at least ten persons qualified in accordance with the requirements of Section 7, sub-section (1); and

(*b*) in the case of a society of which a member is a registered society, by a duly authorised person on behalf of every such registered society and, where all the members of the society are not registered societies, by ten other members, or when there are less than ten other members, by all of them.

(3) The application shall be accompanied by a copy of the proposed bye-laws of the society and the persons by whom or on whose behalf such application is made shall furnish such information in regard to the society as the Registrar may require.

Registration.

10. If the Registrar is satisfied that a society has complied with the provisions, of this Regulation and the rules and that its proposed bye-laws are not contrary to this Regulation or to the rules, he may, if he thinks fit, register the society and its bye-laws. In case of refusal an appeal shall lie to Our Government within two months from the date of the issue of the order of refusal.

Evidence of registration

11. A certificate of registration signed by the Registrar shall be conclusive evidence that the society therein mentioned is duly registered, unless it is proved that the registration of the society has been cancelled.

Amendment of the bye-laws of a registered society.

12. (1) No amendment of the bye-laws of a registered society (whether by way of cancellation, addition or alteration) shall be valid until approved by the resolution of a general meeting and registered under this Regulation, for which purpose, a copy of the amendment shall be forwarded to the Registrar.

(2) If the Registrar is satisfied that any amendment of the bye-law, is not contrary to this Regulation or the rules he may, if he thinks fits register the amendment. In the case of refusal an appeal shall lie to Our Government within two months from the date of the issue of the order of refusal.

(3) when the Registrar registers an amendment of the bye-laws of a society, he shall issue to the society a copy of the amendment certified by him, which shall be conclusive evidence that the same is duly registered.

GENERAL MEETINGS.

Annual general meeting.

13. Every registered society shall call an annual general meeting of its members within the time prescribed therefor.

Special general meeting

14. A special general meeting may be called at any time by a majority of the Committee and shall be called within one month—

(1) on the requisition in writing of not less than one-fifth of the members of the society, or

(2) at the instance of the Registrar.

CHANGES SUBSEQUENT TO REGISTRATION.

Change of name; its effect.

15. A society may, by a resolution of a general meeting of its members and with the approval of the Registrar, change its name; but such change shall not affect any right or obligation of the society, or of any of its members, or past members and any legal proceedings ending may be continued by or against the society under its new name.

Division and amalgamation of Societies.

16. (1) (*a*) Any registered society may, at a general meeting of its members specially called for the purpose of which at least seven clear days' notice shall be given to its members, resolve to divide itself into two or more societies. The resolution (hereinafter in this sub section referred to as the preliminary resolution) shall contain proposals for the division of the assets and liabilities of the society among the new societies into which it is proposed to divide it and prescribe the area of operations of, and specify the members who will constitute, each of the new societies.

(*b*) (*i*) A copy of the preliminary resolution shall be sent to all the members and creditors of the society.

(*ii*) Any member of the society may, notwithstanding any bye-law to the contrary, by notice given to the society within a period of three months from his receipt of the preliminary resolution, intimate his intention not to become a member of any of the new soceitics.

(*iii*) Any creditor of the society may, notwithstanding any agreement to the contrary, by notice given to the society within the said period, intimate his intention to demand a return of the amount due to him.

(*c*) After the expiry of three months from the receipt of the preliminary resolution by all the members and creditors of the society, a general meeting of the members of the society of which at least fifteen clear days' notice shall be given to the members, shall be convened for considering the preliminary resolution. If at such meeting the preliminary resolution is confirmed by a resolution passed by a majority of not less than two-thirds of the members present, either without changes or with such changes as, in the opinion of the Registrar, are not material, he may, subject to the provisions of clause (*e*) and Section 10, register the new societies and the bye-laws thereof. On such registration, the registration of the old society shall be deemed to have been cancelled.

The opinion of the Registrar as to whether the changes made in the preliminary resolution are or are not material shall be final and no appeal shall lie therefrom.

(*d*) At the meeting referred to in clause (*c*) provision shall be made by another resolution for—

(i) the repayment of the share capital of all the members who have given notice under sub-clause (ii) of clause (*b*); and

(ii) the satisfaction of the claims of all the creditors who have given notice under sub-clause (iii) of clause (*b*):

Provided that no member or creditor shall be entitled to such repayment or satisfaction until the preliminary resolution is confirmed as provided in clause (*c*).

(*e*) If, within such time as the Registrar considers reasonable, the share capital of the members referred to in clause (*d*) is not repaid or the claims of the creditors referred to in that clause, are not satisfied, the Registrar may refuse to register the new societies.

(*f*) The registration of the new societies shall be a sufficient conveyance to vest the assets and liabilities of the original society in the new societies in the manner specified in the preliminary resolution as confirmed under clause (*c*).

(2) (*a*) Two or more registered societies may, at general meetings of their respective members specially called for the purpose of which at least seven clear days' notice shall be given to their respective members, resolve to amalgamate into one society. This resolution is hereinafter in this sub-section referred to as the preliminary resolution.

(*b*) (i) A copy of the preliminary resolution of each society shall be sent to all the members and creditors thereof.

(ii) Any member of any such society may, notwithstanding any bye-law to the contrary, by notice given to the society of which he is a member within a period of three months from his receipt of the preliminary resolution, intimate his intention not to become a member of the new society.

(iii) Any creditor of any such society may, notwithstanding any agreement to the contrary by notice given to the society of which he is a creditor within the said period, intimate his intention to demand a return of the amount due to him.

(*c*) After the expiry of three months from the receipt of the preliminary resolution by all the members and creditors of all the societies a joint meeting of the members of such societies of which at least fifteen clear days' notice shall be given to them, shall be convened for considering the preliminary resolution. If at such meeting the preliminary resolution is confirmed by a resolution passed by a majority of not less than two-thirds of the members present, either without changes or with such changes as in the opinion of the Registrar are not material, he may, subject to the provisions of clause (*e*) and Section 10, register the new society and the bye-laws thereof. On such registration, the registration of the old societies shall be deemed to have been cancelled.

The opinion of the Registrar as to whether the changes made in the preliminary resolution are or are not material shall be final and no appeal shall lie therefrom.

(*d*) At the joint meeting referred to in clause (*c*), provision shall be made by another resolution for—

(i) the repayment of the share capital of all the members who have given notice under sub-clause (ii) of clause (*b*) and

(ii) the satisfaction of the claims of all the creditors who have given notice under sub-clause (iii) of clause (*b*) :

Provided that no member or creditor shall be entitled to such repayment or satisfaction until the preliminary resolution is confirmed as provided in clause (*c*).

(*e*) If, within such time as the Registrar considers reasonable the share capital of the members referred to in clause (*d*) is not repaid or the claims of the credtiors referred to in that clause are not satisfied, the Registrar may refuse to register the new society.

(*f*) The registration of the new society shall be a sufficient conveyance to vest in it all the assets and liabilities of the original societies.

RIGHTS AND LIABILITIES OF MEMBERS.

Member not to exercise rights till due payments made.

17. (1) No member of a registered society shall, save as otherwise provided in sub-section (2), exercise the rights of a member unless or until he has made such payment to the society in respect of membership or acquired such interest in the society as may be prescribed by the rules and bye-laws of such society.

(2) In the case of a society registered after the commencement of this Regulation, the persons who have signed the application to register the society may elect a Committee to conduct the affairs of the society for a period of three months from the date of registration or for such further period as the Registrar may consider desirable :

Provided that the Committee shall cease to function as soon as the members of the society have elected a Committee in accordance with its bye-laws.

Votes of members.

18. (1) No member of any registered society shall have more than one vote in the affairs of the society provided that in the case of an equality of votes the chairman shall have a casting vote.

(2) A registered society which has invested any part of its funds in the shares of another registered society may appoint any of its members not disqualified for such appointment under any rules prescribed in that behalf to vote in the affairs of such other registered society.

Restrictions on transfer of share or interest.

19. (1) The transfer or charge of the share on interest of a member in the capital of a registered society shall be subject to such conditions as to maximum holding as may be prescribed by this Regulation or by the rules.

(2) A member shall not transfer any share held by him or his interest in the capital or property of any society or any part thereof unless :—

(*a*) he has held such share or interest for not less than one year ; and

(*b*) the transfer or charge is made to the society or to a member of the society or to a person whose application for membership has been accepted by the society.

DUTIES OF REGISTERED SOCIETIES.

Address of societies.

20. Every registered society shall have an address registered in accordance with the rules, to which all notices and communications may be sent, and shall give notice in writing to the Registrar of any change in the said address within thirty days of such change.

Copy of Regulation, rule and bye-laws to be open to inspection.

21. Every registered society shall keep open to inspection free of charge at all reasonable times at the registered address of the society—

(*a*) a copy of this Regulation,

(*b*) a copy of the rules governing such society,

(*c*) a copy of the bye-laws of such society, and

(*d*) the register of its members.

Audit.

22. (1) The Registrar shall by himself or by some person authorised by him in writing by general or special order in this behalf audit the accounts of every society once at least in every year.

(2) The audit under sub-section (1) shall include an examination of overdue debts if any, the verification of cash balance and securities and a valuation of the assets and liabilities of the society.

(3) The Registrar or other person auditing the accounts of any society shall have free access to the books, accounts and vouchers of such society and shall be allowed to verify its cash balances and securities.

The Committee, Secretary and other officers of the society shall furnish to the Registrar or other person appointed to audit the accounts of a society all such information as to its transactions and working as the Registrar or such person may require and shall produce the cash for verification with the cash balance when demanded by the Registrar or the person appointed to audit.

(4) The Registrar and every other person appointed to audit the accounts of a society shall have power when necessary—

(i) to summon at the time of his audit any officer, agent, servant or member of the society who he has reason to believe can give valuable information in regard to any transaction of the society or the management of its affairs, or

(ii) to require the production of any book or document relating to the affairs of the society or any cash or securities belonging to the society by the officer, agent, servant or member in possession of such book, document, cash or securities.

PRIVILEGES OF REGISTERED SOCIETIES.

Societies to be bodies corporate.

23. The registration of a society shall render it a body corporate by the name under which it is registered, with perpetual succession and a common seal, and with power to hold property, to enter into contracts, to institute and defend suits and other legal proceedings and to do all things necessary for the purposes for which it was constituted.

Prior claim of society.

24. Subject to the prior claim, if any, of Our Government in respect of land revenue or any money recoverable as land revenue or of a landlord in respect of rent, any debt or outstanding demand owing to a society by any member, or past member or deceased member shall be a first charge :—

(1) upon crops or other agricultural produce raised in whole or in part with any loan taken from the society by such member or past member or deceased member ; and

(2) upon any cattle, fodder for cattle, agricultural or industrial implements or machinery or rawmaterials for manufacture or workshops, godown or place of business supplied to or purchased by such member or past member or deceased member in whole or in part from any loan whether in money or goods given him by the society :

Provided that nothing contained in this clause shall affect the claim of any *bona fide* purchaser or transferee for value without notice of any such crops or other agricultural produce, cattle, fodder for cattle or raw materials for manufacture or work-shops or agricultural or industrial implements.

Charge and set off in respect of shares or interest of member.

25. A registered society shall have a charge upon the share or interest in the capital and on the deposits of a member or past or deceased member and upon any dividend, bonus or profits payable to a member or past member or the estate of a deceased member in respect of any debt due from such member or past member to the society, and may set off any sum credited or payable to a member or past member or the estate of a deceased member in or towards payment of any such debt.

26. Subject to the provisions of Section 25, the share or interest of a member in the capital of a registered society shall not be liable to attachment or sale under any decree or order of a Court of Justice in respect of any debt or liability incurred by such member, and neither the Receiver under the law of insolvency for the time being in force nor a Receiver appointed under the Code of Civil Procedure, 1100 shall be entitled to or have any claim on such share or interest.

Shares or interest not liable to attachment.

27. (1) On the death of a member of a society, such society may, within a period of one year from the death of such member, transfer the share or interest of the deceased member to a person or persons nominated in accordance with the bye-laws of the society, if duly admitted a member of the society in accordance with the rules or the bye-laws of the society, or if there is no person so nominated, to such person as may appear to the committee to be the heir or legal representative of the deceased member if duly admitted a member of the society, or may pay to such nominee, heir or legal representative, as the case may be, a sum representing the value of such member's share or interest ascertained in accordance with the rules or bye-laws:

Transfer of interest on death of member.

Provided that such nominee, heir or legal representative, as the case may be, may require that payment shall be made by the society within one year from the death of the member of the value of the share or interest of such member ascertained as aforesaid.

(2) A society shall, subject to the provisions of Section 25 and unless prevented by an order of a competent court, pay to such nominee, heir or legal representative as the case may be, all other moneys due to the deceased member from the society.

(3) All transfers and payments made by a society in accordance with the provisions of this Section shall be valid and effectual against any demand made upon the society by any other person.

28. The liability of a past member or of the estate of a deceased member for the debts of a registered society as they existed on the date of his ceasing to be a member or of his decease as the case may be, shall continue for a period of two years from such date.

Liability of past member or of the estate of a deceased member.

29. Any register or list of members or shares kept by any registered society shall be *prima facie* evidence of any of the following particulars entered therein:—

Register of members.

(*a*) the date on which the name of any person was entered in such register or list as a member;

(*b*) the date on which any such person ceased to be a member.

30. A copy of any entry in any book, register or list regularly kept in the course of business in the possession of a society shall, if duly certified in such manner as may be prescribed by the rules, be admissible in evidence of the existence of the entry and shall be admitted as evidence of the matters and transactions therein recorded in every case where, and to the same extent to which, the original entry would, if produced, have been admissible to prove such matters.

Admissibility of copy of entry as evidence.

31. Whenever a decision or an award of the Registrar or arbitrator or an order of the Registrar or liquidator is obtained by a registered society for the realisation of money, any such money may be recovered as arrears of public revenue under the Revenue Recovery Regulation, 1 of 1068 subject to such rules, if any, as may be prescribed, and Our Government may for such purposes confer on the Registrar or any Officer subordinate to him the powers of a Division Peishkar or other Officer under the said Regulation:

Power to attach and sell defaulter's property.

Provided that the powers of a Division Peishkar shall not be conferred on any Officer who is inferior in rank to that of an Assistant Registrar.

Explanation:—Any right of appeal or application for revision or civil suit available in respect of the orders or actions under the Revenue Recovery Regulation, 1 of 1068 shall be available to the parties.

Exemption from compulsory registration of instruments relating to shares and debentures of registered society.

32. Nothing in Section 10, sub-section (1), clauses (*a*) and (*b*) of the Travancore Registration Regulation, 1087 shall apply to—

(1) any instrument relating to shares in a registered society notwithstanding that the assets of such society consist in whole or in part of immovable property; or

(2) any debenture issued by any such society and not creating, declaring, assigning, limiting or extinguishing any right, title or interest to or in immovable property except in so far as it entitles the holder to the security afforded by a registered instrument whereby the society has mortgaged, conveyed or otherwise transferred the whole or part of its immovable property or any interest therein to trustees upon trust for the benefit of the holders of such debentures; or

(3) any endorsement upon or transfer of any debenture issued by any such society.

Power to exempt from Income-tax, Municipal tax, Stamp duty, Registration and Court fees.

33. Our Government by notification in Our Government Gazette, may in the case of any society or class of societies, remit—

(1) the income tax or supartax payable in respect of the profits of the society, or of the dividends or other payments received by the members of the society on account of profits or in respect of interest on securities held by the society;

(2) any tax payable under the law of Municipalities for the time being in force;

(3) the stamp duty with which, under any law for the time being in force, instrument executed by or on behalf of a society or by an officer or member and relating to the business of such society or any class of such instruments, or awards of the Registrar or arbitrators under this Regulation are respectively chargeable; and

(4) any fee payable under the law of Registration or of court fees for the time being in force.

34. Notwithstanding anything contained in any other enactment, Our Government may, subject to such rules as may be prescribed in this behalf, grant loans to, take shares in, or give financial assistance in any other form to any registered society.

Government aid to registered societies.

Explanation.—Nothing in this Section shall be construed as entitling Our Government to become a member of any society without the society admitting Government as a member.

PROPERTY AND FUNDS OF REGISTERED SOCIETIES

Restrictions on loans.

35. (1) A registered society shall not make a loan to any person other than a member:

Provided that, with the general or special sanction of the Registrar, a registered society may make loans to another registered society.

(2) Save with the sanction of the Registrar, a registered society shall not lend money on the security of movable property other than agricultural produce.

(3) Notwithstanding anything contained in sub-sections (1) and (2), a registered society may make a loan to a depositor on the security of his deposit.

(4) Our Government may, by general or special order, prohibit or restrict the lending of money on mortgage of immovable property by any registered society or class of registered societies.

(5) A registered society shall receive deposits and loans only to such extent and under such conditions as may be prescribed by the rules or the bye-laws of the society.

Restrictions on borrowings.

Restriction on other transactions with non-members.

36. Save as provided in Section 35, the transaction of a registered society with persons other than members shall be subject to such prohibitions and restrictions, if any, as Our Government may, by rules, prescribe

Investment of Funds.

37. Subject to the provisions of sub-section (4) of Section 35, a registered society may invest or deposit its funds—

(*a*) in Our Government Savings Bank; or

(*b*) in Promissory Notes, Debentures, stock or other securities of the Government of India; or

(*c*) in stock or debentures or of shares in Railway or other companies, the interest whereon shall have been guaranteed by the Government of India or by the Government of Travancore; or

(*d*) on a first mortgage of immovable property situate in Travancore provided that the property is not a leasehold for a term of years and that the value of the property exceeds by one-third or if it consists of buildings, exceeds by one-half, the mortgage amount; or

(*e*) in the shares or on the security of any other registered society in Travancore, provided that no such investment shall be made in the shares of any society other than one with limited liability; or

(*f*) with any bank or person carrying on the business of banking approved for this purpose by the Registrar; or

(*g*) in any other mode permitted bythe rules.

(2) Any investments or deposits made before the commencement of this Regulation which would have been valid if this Regulation had been in force are hereby ratified and confirmed.

Restrictions on dividend. 38. No society shall pay a dividend to its members at a rate exceeding $7\frac{1}{2}$ per cent.

Reserve Fund. 39. (1) Every society which does or can derive a profit from its transactions shall maintain a Reserve Fund.

(2) In the case of a society with unlimited liability, at least one-fourth of the net profits of the society each year shall be carried to the Reserve Fund and in the case of any other society at least one-tenth of the net profits of the society each year shall be carried to the Reserve Fund; and such Reserve Fund shall not be used in the ordinary business of the society but may, subject to the provisions of Section 37, be invested as Our Government may by general or special order direct or may with the previous sanction of Our Government be used in part for some public purpose likely to promote the objects of this Regulation or for some purposes of local interest or may be drawn upon to the extent of not more than twenty five per cent thereof for purposes sanctioned by the Registrar.

Restrictions on distribution of profits. 40 Subject to the provisions of Section 38, the balance of the profits of a society after making the prescribed provision for the Reserve Fund may, together with any available profits of past years, be distributed among its members, provided that no distribution of profits shall be made without the sanction of the Registrar.

Provident Fund. 41. Any society may establish a provident fund for its members out of contributions from such members in accordance with bye-laws made by the society in this behalf and may contribute to such provident fund from its net profits, after the prescribed payments have been made to the Reserve Fund, provided that such provident fund shall not be used in the business of the society but shall be invested under the provisions of Section 37; and provided further that no part of such provident fund shall be considered as an asset of such society.

Contribution to charitable purposes. 42. Any registered society may after one-fourth, or one-tenth, as the case may be, of the net profits in any year has been carried to a reserve fund, contribute, subject to the approval of the Registrar, an amount not exceeding seven and a half per cent. of the remaining net profits to any charitable purpose as defined in Section II of the Charitable Endowments Regulation of 1082 M. E.

INQUIRY AND INSPECTION.

Inquiry by Registrar. 43. (1) The Registrar may of his own motion, and shall, on the application of the majority of the Committee or of not less than one-third of the members, hold an inquiry or direct some person authorised by him by order in writing in this behalf to hold an inquiry into the constitution, working and financial condition of a registered society.

(2) The Registrar or the person authorised by him under sub-section (1) shall have the following powers, namely :—

(a) He shall, at all reasonable times, have free access to the books, accounts, documents, securities, cash and other properties belonging to or in the custody of the society and may summon any person in possession or responsible for the custody of any such books, accounts, documents, securities, cash or other properties to produce the same at any place at the headquarters of the society or any branch thereof.

(b) He may summon any person who he has reason to believe has knowledge of any of the affairs of the society to appear before him at any

place at the headquarters of the society or any branch thereof and may examine such person on oath.

(c) (i) He may, notwithstanding any rule or bye-law prescribing the period of notice for a general meeting of the society, require the officers of the society to call a general meeting at such time and place at the headquarters of the society or any branch thereof and to determine such matters as may be directed by him and if the officers of the society refuse or fail to call such a meeting, he shall have power to call it himself.

(ii) Any meeting called under clause (i) shall have all the powers of a general meeting called under the bye-laws of the society and its proceedings shall be regulated by such bye-laws.

Inspection of Books by Registrar.

44. (1) The Registrar may, on the application of a creditor of a registered society inspect or direct some person authorised by him in this behalf by a general or special order in writing to inspect the books of the society.

(2) No inspection shall be made or directed under sub-section (1) unless the creditor—

(a) satisfies the Registrar that the debt is a sum then due and that he has demanded payment thereof and has not received satisfaction within a reasonable time; and

(b) deposits with the Registrar such sum as security for the costs of the proposed inspection as the Registrar may require.

(3) Where an inspection is made under sub-section (1), the Registrar shall communicate the results of such inspection to the creditor to whom the society is indebted.

Costs of inquiry and inspection.

45. Where an inquiry is held under Section 43 or an inspection is made under Section 44, the Registrar may after giving the parties an opportunity to be heard, apportion the costs or such part of the costs as he may think right, between the society, the members or creditor demanding an inquiry or inspection and the officers or former officers of the society in accordance with such rules as may be made by Our Government.

Recovery of costs.

46. Any sum awarded by way of costs under Section 45 may be recovered as if it were an arrear of land revenue.

SUPERSESSION OF COMMITTEE OF SOCIETY.

Supersession of Committee.

47. (1) If, in the opinion of the Registrar the Committee of any registered society is not functioning properly, he may, after giving an opportunity to the Committee to state its objections and after recording a finding that the objections are unsatisfactory. (if such be his finding) call upon the members of the society to appoint a new Committee within such time, not being less than one month as may be fixed by him. If a new Committee is not appointed accordingly or if the Committee appointed is after trial for six months, found wanting in the opinion of the Registrar, and if the Registrar is of opinion that in the circumstances of the case, it is undesirable to order the cancellation of the registration of the Society, he may by order in writing, dissolve the Committee, and appoint a suitable Committee consisting of as many members of that Society as he may deem necessary to manage the affairs of the society for a specific period not exceeding one year. The period specified in such order may, at the discretion of the Registrar, be extended from time to time, provided that such order shall not remain in force for more than two years in the aggregate.

(2) The Committee so appointed by the Registrar shall have all such powers, rights and responsibilities as a Committee of the Society has according to the bye-laws of the society.

(3) The Committee appointed by the Registrar, shall, at the expiry of the period of its appointment, arrange for the constitution of a new Committee in accordance with the bye-laws of the society.

(4) Before taking action under sub-section (1) in respect of any society the Registrar shall in the prescribed manner consult such body of persons, if any, as may be prescribed by Our Government, in that behalf, regarding the action and regarding such other matters as may be prescribed.

(5) Nothing in this section shall be deemed to affect the powers of the Registrar to cancel the registration of any society under any other Section.

DISSOLUTION OF SOCIETY.

Dissolution.

48. (1) If the Registrar, after an inquiry has been held under Section 43 or after an inspection has been made under Section 44 or on receipt of an application made by three-fourths of the members of a registered society, is of opinion that the society ought to be dissolved, he may by order in writing cancel the registration of the society. A copy of the order shall forthwith be communicated to the society.

(2) Any member of the society may, within two months from the date of the order made under sub-section (1) appeal to Our Government from such order.

(3) Where no appeal is presented within two months from the making of an order cancelling the registration of the society, the order shall take effect on the expiry of that period.

(4) Where an appeal is presented within two months, the order shall not take effect until it is confirmed by Our Government and such confirmation is communicated to the society.

Cancellation of registration of Society.

49. Where it is a condition of the registration of a society that it should consist of at least ten members who have attained the age of majority, the Registrar may, by order in writing, cancel the registration of the society if at any time it is proved to his satisfaction that the number of the members has been reduced to less than ten such members.

Effect of cancellation of registration.

50. Where the registration of a society is cancelled the society shall cease to exist as a corporate body ;

(*a*) in the case of cancellation in accordance with the provisions of Section 48, from the date the order of cancellation takes effect;

(*b*) in the case of cancellation in accordance with the provisions of Section 49, from the date of the order.

Winding up.

51. (1) Where the registration of a society is cancelled under Section 48 or Section 49, the Registrar may appoint any person to be liquidator of the society.

(2) Subject to any rules that may be made under this Regulation, the

whole of the assets of the society shall, on the appointment of a liquidator under sub-section (1), vest in such liquidator and he shall have power to realise such assets by sale or otherwise.

(3) Such liquidator shall also have power, subject to the control of the Registrar :--

(*a*) to institute and defend suits and other legal proceedings on behalf of the society by his name of office;

(*b*) to get disputes referred to arbitration ;

(*c*) to determine from time to time the contribution to be made or remaining to be made by the members or past members or by the estates or nominees, heirs or legal representatives of deceased members or by any officers or former officers, to the assets of the society such contribution including debts due from such members or persons;

(*d*) to investigate all claims against the society and subject to the provisions of this Regulation to decide questions of priority arising between claimants ;

(*e*) to pay claims against the society (including interest up to the date of cancellation of registration) according to their respective priorities if any, in full or rateably as the assets of the society permit; the surplus, if any, remaining after payment of the claims being applied in payment of interest from the date of such cancellation at a rate fixed by him but not exceeding the contract rate in any case ;

(*f*) to determine by what persons and in what proportions the costs of the liquidation are to be borne ;

(*g*) to give such directions in regard to the collection and distribution of the assets of the society as may appear to him to be necessary for winding up the affairs of the society;and

(*h*) to carry on the business of the society so far as may be necessary for the beneficial winding up of the same.

(4) Subject to any rules that may be made under this Regulation, a liquidator appointed under this Section shall, in so far as such powers are necessary for carrying out the purposes of this Section, have power to summon and enforce the attendance of witnesses and to compel the production of any books, accounts, documents, securities, cash or other properties belonging to or in the custody of the society by the same means and (so far as may be) in the same manner as is provided in the case of a civil court under the Code of Civil Procedure, 1100.

(5) When the affairs of the society have been wound up, the liquidator shall deposit the records of the society in such place as the Registrar may direct

(6) Any person aggrieved by any order of the liquidator may in the prescribed manner appeal to the Registrar against such order within two months from the date of the issue of the order

Bar of suit in winding up and dissolution matters.

52. Save in so far as is expressly provided in this Regulation.—

(*a*) no civil court shall take cognizance of any matter connected with the winding up, dissolution or cancellation of the registration of a society under this Regulation, and

(*b*) no suit or other legal proceeding shall lie or be proceeded with in respect of any order of the liquidator or of the Registrar passed in appeal

therefrom except by leave of the Registrar or in case such leave is refused by the Registrar, by leave of the District Court having local jurisdiction and subject to such terms, if any, as the Registrar or the District Court as the case may be may impose.

Disposal of surplus assets.

53. After all the liabilities including the paid up share capital of a cancelled society havebeen met, the surplus assets shall not be divided amongst its members but they shall be devoted to any object or objects described in the bye-laws of the society and when no object is so described to any object of public utility determined by the general meeting of the society and approved by the Registrar or they may in consultation with them either be assigned by the Registrar in whole or in part to any or all of the following :—

(*a*) an object of public utility of local or communal interest ;

(*b*) a charitable purpose as defined in Section II of the Charitable Endowments Regulation of 1082 M. E.;

(*c*) the Travancore Co-operative Institute, Trivandrum ;

or may be placed on deposit with the Central Co-operative Bank until such time as a new society with similar conditions is registered when with the consent of the Registrar such surplus may be credited to the Reserve Fund of such new society.

SURCHARGE AND ATTACHMENT.

Surcharge.

54. (1) Where in the course of an audit under Section 22 or an inquiry under Section 43 or an inspection under Section 44 or the winding up of a society, it appears that any person who has taken part in the organisation or management of the society or any past or present officer of the society has misappropriated or fraudulently retained any money or other property or been guilty of breach of trust in relation to the society, the Registrar may of his own motion or on the application of the Committee or liquidator or of any creditor or contributory, examine into the conduct of such person or officer and make an order requiring him to repay or restore the money or property or any part thereof with interest at such rate as the Registrar thinks just or to contribute such sum to the assets of the society by way of compensation in respect of the misappropriation, fraudulent retainer or breach of trust as the Registrar thinks just.

(2) The order of the Registrar under sub-section(1) shall be final unless it is set aside by the District Court having jurisdiction over the area in which the headquarters of the society are situated, on application made by the party aggrieved within three months of the date of the receipt of the order by him.

(3) Any sum ordered under this Section to be repaid to a society or recovered as a contribution to its assets may be recovered on a requisition being made in this behalf to the Division Peishkar by the Registrar in the same manner as arrears of land revenue.

(4) This Section shall apply notwithstanding that such person or officer may have incurred criminal liability by his act.

Attachment of property.

55. Where the Registrar is satisfied on the application of the liquidator or when acting under Section 56 that any person with intent to defeat or delay the execution of any order that may be passed against him under clause (*c*) of sub-section (3) of Section 51 or Section 54

(*a*) is about to dispose of the whole or any part of his property, or

(*b*) is about to conceal or remove the whole or any part of his property, the Registrar may, unless adequate security is furnished, direct the conditional attachment of the said property or such part thereof as he thinks necessary. Such attachment shall be treated as an attachment or distraint as the case may be, effected by the Tahsildar of the place where the property attached is situated under the provisions of the Revenue Recovery Regulation, I of 1068, and all the remedies available to aggrieved persons under the provisions of the said Regulation in respect of any attachment or distraint effected by the Tahsildar shall also be available.

ARBITRATION.

Disputes.

56. (1) If any dispute touching the business of a registered society (other than a dispute regarding disciplinary action taken by the society) or (its Committee against a paid servant of the society) arises—

(*a*) among members, past members and persons claiming through members, past members and deceased members, or

(*b*) between a member, past member or person claiming through a member, past member or deceased member and the society, its Committee or any officer agent or servant past or present of the society, or

(*c*) between the society or its Committee and any officer, agent or servant past or present of the society, or

(*d*) between the society and any other registered society, such dispute shall be referred to the Registrar for decision.

Explanation : - A claim by a registered society for any debt or demand due to it from a member, past member or the nominee, heir or legal representative of a deceased member, whether such debt or demand be admitted or not, is a dispute touching the business of the society within the meaning of this sub-section.

(2) The Registrar may, on receipt of such reference,

(*a*) decide the dispute himself, or

(*b*) transfer it for disposal to any person who has been invested by Our Government with powers in that behalf; or

(*c*) subject to such rules as may be prescribed, refer it for disposal to an arbitrator or arbitrators:

Provided that if any party to the dispute applies for action being taken under clause (*c*), the Registrar shall act accordingly.

(3) Subject to such rules as may be prescribed, the Registrar may withdraw any reference transferred under Clause (*b*) of sub-section (2) or referred under clause (*c*) of that sub-section and deal with it in the manner provided in the said sub-section

(4) The Registrar, may, of his motion or on the application of a party to a reference, revise any decision thereon by the person to whom such reference was transferred or by the arbitrator or arbitrators to whom it was referred:

Provided that where the decision sought to be revised is a decision made by arbitrator or arbitrators appointed in pursuance of the provisions of the proviso to sub-section (2) the Registrar shall not modify the decision but may, if he thinks it necessary or desirable, refer the dispute again as under clause (*c*) of sub-section (2).

Finality of order.

57. (1) Any decision passed by the Registrar under clause (*a*) of sub-section (2) of Section 56 or under sub-section (4) of the same Section shall be final and shall not be called in question in any civil court:

Provided that it shall be competent to Our Government, subject to such rules, if any, as may be prescribed, to revise any decision passed by the Registrar under clause (a) of sub-section (2) of Section 56.

(2) Any decision that may be passed by the person to whom a reference is transferred or by the arbitrator or arbitrators to whom it is referred under sub-section (2) of Section 56 shall save as otherwise provided in sub-section (4) of the same Section, be final and shall not be called in question in any civil court.

Power to enforce attendance.

58. Wherever in this Regulation it is provided that the Registrar or person duly authorised by general or special order in writing by the Registrar in this behalf shall hold an inquiry under Section 43 or shall wind up a society or shall arbitrate, the Registrar, or person authorised, as the case may be, shall, subject to such rules as may be passed by Our Government for the payment of batta to the witnesses, have the power to summon and enforce the attendance at the headquarters of the society concerned of witnesses including the parties interested or any of them and to compel them to give evidence, and to compel the production of documents by the same means and as far as possible in the same manner as is provided in the case of a civil court by the Code of Civil Procedure, 1100.

Money how recovered.

59. Every order passed by the liquidator under Section 51, or by the Registrar or his nominee or arbitrators on disputes referred to him or them under Section 51 or under Section 56 or by Our Government under the proviso to Section 57, sub-section (1), shall, if not carried out be executed—

(a) on a certificate signed by the Registrar or a liquidator by any civil court having local jurisdiction in the same manner as a decree of such court; or

(b) according to the law for the time being in force for the recovery of arrears of land revenue, provided that any application for the recovery in such manner of any such sum shall be made to the Division Peishkar and shall be accompanied by a certificate signed by the Registrar or by any one to whom the said power has been delegated by the Registrar.

OFFENCES AND PENALTIES.

Offences.

60. It shall be an offence under this Regulation if—

(a) a registered society or an officer or member thereof, in contravention of the provisions of this Regulation wilfully makes a false return or furnishes false information or wilfully neglects or omits to call a general meeting or special general meeting of the society, or

(b) any person wilfully or without any reasonable excuse disobeys any summons, requisition or lawful written order issued under the provisions of this Regulation or does not furnish any information lawfully required from him by a person authorised in this behalf under the provisions of this Regulation.

Punishment for disposing of property in contravention of Section 24.

61. Any member or a past member or the nominee, heir or legal representative of a deceased member who fraudulently disposes of any property in respect of which the society is entiled to claim priority under Section 24, or fraudulently does any other act to the prejudice of such claim shall be punishable with fine not exceeding two hundred rupees.

Prohibition of the use of the word Co-operative.

62. (1) No person other than a registered society shall trade or carry on business under any name or title of which the word 'Co-operative' is part without the sanction of Government:

Provided that nothing in the Section shall apply to the use by any person or his successor in interest of any name or title under which he traded or carried on business at the date on which the Co-operative Societies Regulation (X of 1089) came into operation.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to fifty rupees and in the case of a continuing offence, with further fine of five rupees for each day on which the offence is continued after conviction therefor.

Punishment for offences not otherwise provided for.

63. Any registered society or any officer or member thereof or any other person guilty of an offence under this Regulation for which no punishment is expressly provided herein shall be punishable with fine not exceeding fifty rupees.

Cognizance of offences.

64. (1) No court inferior to that of a Magistrate of the First Class shall try any offence under this Regulation.

(2) Every offence under this Regulation shall, for the purposes of the Code of Criminal Procedure, be deemed to be non-cognizable.

(3) No prosecution shall be instituted under this Regulation without the previous sanction of the Registrar. Such sanction shall not be given without giving the party concerned an opportunity to be heard.

MISCELLANEOUS.

Power of Government and Registrar to call for proceedings of subordinate officers and to pass orders thereon.

65. Our Government or the Registrar may call for and examine the record of any enquiry or the proceedings of any officer subordinate to them or him for the purpose of satisfying themselves or himself as to the legality or propriety of any decision or order passed and as to the regularity of the proceedings of such officer. If in any case it shall appear to Our Government or the Registrar that any decision or order or proceedings so called for should be modified, annulled, or reversed, Our Government or the Registrar, as the case may be, may pass such order thereon as to them or him may seem fit. The revising authority may also pass any interim order on such conditions or otherwise as it deems fit.

Recovery of sums due to Government.

66. All sums due from a registered society or from an officer, former officer, member or past or deceased member of a registered society as such to Our Government including any costs awarded to Our Government in any proceeding under this Regulation may be recovered in the same manner as arrears of land revenue

Power to exempt societies from conditions as to registration.

67. Notwithstanding anything contained in this Regulation Our Government may, by special order in each case and subject to such conditions, if any, as they may impose, exempt any society from any of the requirements of this Regulation as to registration.

Power to exempt registered societies from provisions of the Regulation.

68. Our Government may, by general or special order, exempt any registered society from any of the provisions of this Regulation or may direct that such provisions shall apply to such society with such modifications as may be specified in the order.

Regulation I of 1092 not to apply.

69. The provisions of the Travancore Companies Regulation, 1092 shall not apply to registered societies.

70. (1) Every society now existing which has been registered under the Co-operative Societies Regulation (X of 1089) shall be deemed to be registered under this Regulation and its bye-laws shall, so far as the same are not inconsistent with the express provisions of this Regulation, continue in force until altered or rescinded.

Application to the saving of existing societies.

(2) All appointments, rules and orders made, notifications and notices issued and suits and other proceedings instituted under the said Regulation shall, so far as may be, be deemed to have been respectively made, issued and instituted under this Regulation.

71. No act of a registered society or any committee or of any officer of the society, shall be deemed to be invalid by reason only of some defect in the organisation of the society or in the formation of the general body or in the appointment or election of the officer or on the ground that he was disqualified for his office.

Acts of societies, etc. not to be invalidated by certain defects.

72. All references to the Co-operative Societies Regulation (X of 1089) occurring in any enactment for the time being in force shall be construed as references to this Regulation.

Construction of references to Co-operative Societies Regulation X of 1089 in enactments

73. Where under this Regulation or any rule made thereunder any sum due to a registered society from any person is recoverable as arrears of land revenue and the immovable property of such person is brought to sale under the provisions of the Revenue Recovery Regulation (Regulation I of 1068) and the society is the purchaser at such sale, the provisions of Section 32 of the said Regulation shall apply thereto as if for the fourth and fifth clauses thereof the following clauses were substituted, namely:—

Recovery of sums due to registered society.

Fourth—The sum due to the purchaser may be set off in whole or in part for which he purchased the money and the remainder if any of the purchase money shall be paid to the officer conducting the sale within thiry days of the date of the sale.

Fifth—Where the purchaser refuses or omits to complete the payment of the remainder if any, of the purchase money the property shall be resold at the expense and hazard of such purchaser and the amount of all loss or expense which may attend such refusal or omission shall be recoverable from such purchaser in the same manner as arrears of land revenue. Where the property on the second sale, sells for a higher price than at the first sale the difference or increase shall be the property of him on whose account the first sale was made.

74. (1) Our Government may, for the whole or any part of Travancore and for any registered society or class of such societies, make rules to carry out all or any of the purposes of this Regulation.

Rules.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may,

(*a*) subject to the provisions of Section 6 prescribe the maximum number of shares or portion of the capital of a society which may be held by a member ;

(*b*) prescribe the forms to be used and the conditions to be complied with in the making of applications for the registration of a society and the procedure in the matter of such applications ;

(*c*) subject to the provisions of Section 5 prescribe the procedure to be followed when societies change their form of liability ;

(*d*) prescribe the matters in respect of which a society may or shall make bye-laws and for the procedure to be followed in making, altering and abrogating bye-laws, and the conditions to be satisfied prior to such making alteration or abrogation ;

(*e*) prescribe the conditions to be complied with by persons applying for admission or admitted as members, and provide for the election and admission of members, and the payment to be made and the interests to be acquired before the exercise of the right of membership ;

(*f*) regulate the manner in which funds may be raised by means of shares of debentures or otherwise ;

(*g*) provide for general meetings of the members and for the procedure at such meetings and the powers to be exercised by such meetings ;

(*h*) provide for the appointment, suspension and removal of the members of the Committee and other officers and for the procedure at meetings of the Committee and for the powers to be exercised and the duties to be performed by the Committee and officers ;

(*i*) prohibit a society from appointing a defaulting member of any society to its Committee or to the Committee of any other society and allowing him to exercise his rights of membership in the society or to represent it in another society and vote ;

(*j*) prescribe the accounts and books to be kept by a society and provide for the audit of such accounts and the charges, if any, to be made for such audit, and for the periodical publication of a balance sheet showing the assets and liabilities of a society ;

(*k*) prescribe the returns to be submitted by a society to the Registrar and provide for the persons by whom and the form in which such returns shall be submitted and in case of fuailre to submit any such return for the levy of the expenses of preparing it ;

(*l*) provide for the persons by whom and the form in which copies of entries in books of societies may be certified and for the charges to be levied for the supply of such copies ;

(*m*) provide for the formation and maintenance of a register of members and where the liability of the members is limited by shares, of a register of shares :

(*n*) provide for :—

(i) the appointment of an arbitrator or arbitrators to decide disputes ;

(ii) the procedure to be followed in proceedings before the Registrar, arbitrator or arbitrators or other person deciding disputes including the appointment of a guardian for a party to the dispute who is a minor or who, by reason of unsoundness of mind or mental infirmity, is incapable of protecting his interests ;

(iii) the levy of expenses incidental to such proceedings ; and

(iv) the enforcement of the decisions or awards in such proceedings ;

(*o*) provide for the withdrawal and expulsion of members and for the payments, if any, to be made to members who withdraw or are expelled and for the liabilities of past members or the estates of deceased members ;

(p) prescribe the prohibitions and restrictions subject to which societies may trade with persons who are not members;

(q) provide for the mode in which the value of a deceased member's interest shall be ascertained, and for the nomination of a person to whom such interest may be paid or transferred;

(r) prescribe the payments to be made and the condition to be complied with by members applying for loans, the period for which loans may be made and the amount which may be lent, to an individual member;

(s) provide for the formation and maintenance of reserve funds, and the objects to which such funds may be applied, and for the investment of any funds under the control of a society;

(t) prescribe the extent to which a society may limit the number of its members;

(u) prescribe the conditions under which profits may be distributed to the members of a society with unlimited liability and the maximum rate of dividend which may be paid by societies;

(v) prescribe the procedure to be followed by a liquidator appointed under Section 51 and provide for the disposal of the surplus assets, if any, of the society;

(w) determine the cases in which an appeal shall lie from the orders of the Registrar, and prescribe the procedure to be followed in presenting and disposing of appeals under this Regulation;

(x) prescribe the period for which and the terms under which aid may be given by Our Government to societies and the terms under which Our Government may guarantee the payment of interest on debentures issued by societies;

(y) provide for the custody of property attached under this Regulation;

(z) provide for the issue and service of processes and for proof of service thereof;

(aa) provide for the inspection of documents in the Registrar's office and the levy of fees for granting certified copies of the same;

(bb) provide for the investigation of claims and objections that may be preferred against any attachment effected by the Registrar or an officer empowered by him;

(cc) provide for the recovery of costs awarded against Our Government in cases under Section 51;

(dd) prescribe the procedure for the attachment and sale of property under Section 31; and

(ee) provide for all matters expressly required or allowed by this Regulation to be prescribed by rules.

(3) The power to make rules conferred by this Section is subject to the condition of the rules being made after previous publication.

(4) All rules made under this Section shall be published in Our Government Gazette and on such publication shall have effect as if enacted in this Regulation.

Repeal. 75. The Co-operative Societies Regulation (X of 1089) is hereby repealed.

Office of the Secretary to the Sri Chitra State Council.
Trivandrum, 16th March 1937.

P. PARAMESVARAN PILLAI,
Secretary to the Sri Chitra State Council.

Annexure I.

THE TRAVANCORE TRADE UNIONS BILL.

(As passed by the Sri Chitra State Council.)

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THE TRAVANCORE TRADE UNIONS BILL.

(As passed by the Sri Chitra State Council)

A REGULATION TO PROVIDE FOR THE REGISTRATION OF TRADE UNIONS AND IN CERTAIN RESPECTS TO DEFINE THE LAW RELATING TO TRADE UNIONS IN TRAVANCORE.

Whereas it is expedient to provide for the registration of Trade Unions and in certain respects to define the law relating to Trade Unions in Travancore;

It is hereby enacted as follows:—

CHAPTER I.

Preliminary.

Short title, extent and commencement.

1. (1) This Regulation may be called the Travancore Trade Unions Regulation.

(2) It extends to the whole of Travancore.

(3) It shall come into force on such date as Our Government may, by notification in Our Government Gazette, appoint.

Definitions.

2. In this Regulation unless there is anything repugnant in the subject or context.—

(a) "executive" means the body by whatever name called, to which the management of the affairs of a Trade Union is entrusted;

(b) "officer" in the case of a Trade Union, includes any member of the executive thereof, but does not include an auditor;

(c) "prescribed" means prescribed by Rules made under this Regulation;

(d) "registered office" means that office of a Trade Union which is registered under this Regulation as the head office thereof;

(e) "Registered Trade Union" means a Trade Union registered under this Regulation;

(f) "Registrar" means a Registrar of Trade Unions appointed by Our Government under Section 3 and the "Registrar", in relation to any Trade Union, means the Registrar appointed for the place in which the head or registered office, as the case may be, of the Trade Union is situated;

(g) "Trade dispute" means any dispute between employers and workmen or between workmen and workmen, or between employers and employers which is connected with the employment or non-employment, or the terms of employment or the conditions of labour of any person, and "workmen", means all persons employed in trade or industry whether or not in the employment of the employer with whom the trade dispute arises; and

(h) "Trade Union" means any combination, whether temporary or permanent, formed primarily for the purpose of regulating the relations between workmen and employers, or between workmen and workmen or between employers and employers, or for imposing restrictive conditions on the conduct of any trade or business, and includes any federation of two or more Trade Unions:

Provided that this Regulation shall not affect—

(i) any agreement between partners as to their own business;

(ii) any agreement between an employer and those employed by him as to such employment; or

(iii) any agreement in consideration of the sale of the goodwill of a business or of instruction in any profession, trade or handicraft.

CHAPTER II.

Registration of Trade Unions.

Appointment of Registrars.

3. Our Government may appoint any person to be the Registrar of Trade Unions for the whole State or for any particular portions of the State.

Mode of registration.

4. Any seven or more members of a Trade Union may, by subscribing their names to the rules of the Trade Union and by otherwise complying with the provisions of this Regulation with respect to the registration, apply for registration of the Trade Union under this Regulation.

Application for registration.

5. (1) Every application for registration of a Trade Union shall be made to the Registrar and shall be accompanied by a copy of the rules of the Trade Union and a statement of the following particulars namely :—

(a) the names, occupations and addresses of the members making the application ;

(b) the name of the Trade Union and the address of its head office; and

(c) the titles, names, ages, addresses and occupations of the officers of the Trade Union.

(2) Where a Trade Union has been in existence for more than one year before the making of an application for its registration, there shall be delivered to the Registrar, together with the application, a general statement of the assets and liabilities of the Trade Union prepared in such form and containing such particulars as may be prescribed.

Provisions to be contained in the rules of a Trade Union.

6. A Trade Union shall not be entitled to registration under this Regulation unless the executive thereof is constituted in accordance with the provisions of this Regulation, and the rules thereof provide for the following matters, namely :—

(a) the name of the Trade Union ;

(b) the whole of the objects for which the Trade Union has been established ;

(c) the whole of the purposes for which the general funds of the Trade Union shall be applicable, all of which purposes shall be purposes to which such funds are lawfully applicable under this Regulation ;

(d) the maintenance of a list of the members of the Trade Union and adequate facilities for the inspection thereof by the officers and members of the Trade Union ;

(e) the admission of ordinary members who shall be persons actually engaged or employed in any tradeor indust ry with which the Trade Union is connected and also the admission of the number of honorary or temporary members as officers required under Section 21 to form the executive of the Trade Union ;

(f) the conditions under which any member shall be entitled to any benefit assured by the rules and under which any fine or forfeiture may be imposed on the members ;

(*g*) the manner in which the rules shall be amended, varied or rescinded;

(*h*) the manner in which the members of the executive and the other officers of the Trade Union shall be appointed and removed;

(*i*) the safe custody of the funds of the Trade Union, an annual audit, in such manner as may be prescribed, of the accounts thereof, and adequate facilities for the inspection of the account books by the officers and members of the Trade Union; and

(*j*) the manner in which the Trade Union may be dissolved.

Power to call for further particulars and to require alteration of name.

7. (1) The Registrar may call for further information for the purpose of satisfying himself that any application complies with the provisions of Section 5 or that the Trade Union is entitled to registration under Section 6 and may refuse to register the Trade Union until such information is supplied.

(2) If the name under which a Trade Union is proposed to be registered is identical with that by which any other existing Trade Union has been registered or, in the opinion of the Registrar, so nearly resembles such name as to be likely to deceive the public or the members of either Trade Union, the Registrar shall require the persons applying for registration to alter the name or the Trade Union stated in the application, and shall refuse to register the Union until such alteration has been made.

Registration

8. The Registrar, on being satisfied that the Trade Union has complied with all the requirements of this Regulation in regard to registration, shall register the Trade Union by entering in a register, to be maintained in such form as may be prescribed, the particulars relating to the Trade Union contained in the statement accompanying the application for registration.

Certificate of registration.

9. The Registrar on registering a Trade Union under Section 8, shall issue a certificate of registration in the prescribed form which shall be conclusive evidence that the Trade Union has been duly registered under this Regulation.

Cancellation of registration

10. A certificate of registration of a Trade Union may be withdrawn or cancelled by the Registrar—

(*a*) on the application of the Trade Union, to be verified in such manner as may be prescribed; or

(*b*) if the Registrar is satisfied that the certificate has been obtained by fraud or mistake, or that the Trade Union has ceased to exist or has wilfully and after notice from the Registrar contravened any provision of this Regulation or allowed any rule to continue in force, which is inconsistent with any such provision, or has rescinded any rule providing for any matter provision for which is required by Section 6:

Provided that not less than two months previous notice in writing specifying the ground on which it is proposed to withdraw or cancel the certificate shall be given by the Registrar to the Trade Union before the certificate is withdrawn or cancelled otherwise than on the application of the Trade Union.

Appeal.

11. (1) Any person aggrieved by any refusal of the Registrar to register a Trade Union or by the withdrawal or cancellation of a certificate of registration may, within such period as may be prescribed, appeal to the High Court.

(2) The High Court may dismiss the appeal, or pass an order directing the Registrar to register the Union and to issue a certificate of registration under the provisions of Section 9 or setting aside the order for withdrawal or cancellation of the certificate, as the case may be, and the Registrar shall comply with such order.

(3) For the purpose of an appeal under sub-section (1), the High Court shall, so far as may be, follow the same procedure and have the same powers as it follows and has when hearing an appeal under the Code of Civil Procedure, 1100, and may direct by whom the whole or any part of the costs of the appeal shall be paid, and such costs shall be recoverable by any Civil Court directed by the High Court as if they were payable under a decree of such Civil Court.

Registered office.

12. All communications and notices to a registered Trade Union may be addressed to the registered office. Notice of any change in the address of the head office shall be given within fourteen days of such change to the Registrar in writing, and the changed address shall be recorded in the register referred to in Section 8.

Incorporation of registered Trade Unions

13. Every registered Trade Union shall be a body corporate by the name under which it is registered and shall have perpetual succession and a common seal with power to acquire and hold both movable and immovable property and to contract, and shall by the said name sue and be sued.

Certain Regulations not to apply to registered Unions.

14. (1) The following Regulations, namely :—

(a) The Travancore Co-operative Societies Regulation.

(b) The Travancore Provident Insurance Societies Regulation of 1108 and

(c) The Travancore Companies Regulation, 1092,

shall not apply to any registered Trade Union, and the registration of any such Trade Union under any such Regulation shall be void ;

(2) No Trade Union shall be formed or shall function unless it is registered under the provisions of this Regulation :

Provided that in the case of Trade Unions existing on the date of the commencement of this Regulation, such Trade Unions may function for a period of three months from such date.

CHAPTER III.

Rights and liabilities of registered Trade Unions.

Objects on which general funds may be spent.

15. The general funds of a registered Trade Union shall not be spent on any other object than the following, namely :—

(a) the payment of salaries, allowances and expenses to officers of the Trade Union ;

(b) the payment of expenses for the administration of the Trade Union including audit of the accounts of the general funds of the Trade Union ;

(c) the prosecution or defence of any legal proceeding to which the Trade Union or, any member thereof is a party, when such prosecution of defence is undertaken for the purpose of securing or protecting any rights of the Trade Union as such or any rights arising out of the relations of any member with his employer or with a person whom the member employs ;

(d) the conduct of trade disputes on behalf of the Trade Union or any member thereof ;

(e) the compensation of members for loss arising out of trade dispute;

(f) allowances to members or their dependants on account of death, old age, sickness, accidents or unemployment of such members;

(g) the issue of, or the undertaking of liability under policies of assurance on the lives of members, or under policies insuring members against sickness, accident or unemployment;

(h) the provisions of educational, social or religious benefits for members (including the payment of the expenses of funeral or religious ceremonies for deceased members) or for the dependants of members;

(i) the upkeep of a periodical published mainly for the purpose of discussing questions affecting employers or workmen as such;

(j) the payment in furtherance of any of the objects on which the general funds of the Trade Union may be spent, of contributions to any cause intended to benefit workmen in general, provided that the expenditure in respect of such contributions in any financial year shall not any time during that year be in excess of one-fourth of the combined total of the gross income which has up to that time accrued to the general funds of the Trade Union during that year and of the balance at the credit of these funds at the commencement of that year; and

(k) subject to any conditions contained in the notification, any other object notified by Our Government in Our Government Gazette.

Constitution of a separate fund for political purposes.

16. (1) A registered Trade Union may constitute a separate fund, from contributions separately levied for or made, to that funds, from which payments may be made, for the promotion of the civic and political interests of its members, in furtherance of any of the objects specified in sub-section (2).

(2) The objects referred to in sub-section (1) are:—

(a) the payment of any expenses incurred, either directly or indirectly, by a candidate or prospective candidate for election as a member of any chamber of the Travancore Legislature or of any local authority, before, during or after the election in connection with his candidature or election; or

(b) the holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate; or

(c) the maintenance of any person who is a member of any chamber of the Travancore Legislature or of any local authority; or

(d) the registration of electors or the selection of a candidate for any chamber of the Travancore Legislature or for any local authority.

(3) No member shall be compelled to contribute to the fund constituted under sub-section (1); and a member who does not contribute to the said fund shall not be excluded from any benefits of Trade Union, or placed in any respect either directly or indirectly under any disability or at any disadvantage as compared with other members of the Trade Union (except in relation to the control or management of the said fund) by reason of his not contributing to the said fund; and contribution to the said fund shall not be made a condition for admission to the Trade Union.

Immunity from civil suit in certain cases.

17. (1) No suit or other legal proceeding shall be maintainable in any Civil Court against any registered Trade Union or any officer or member thereof in respect of any act done in contemplation or furtherance of a trade dispute to which a member of the Trade Union is a party on the ground only that such act induces some other person

to break a contract of employment, or that it is in interference with the trade, business or employment of some other person or with the right of some other person to dispose of his capital or of his labour as he wills.

(2) A registered Trade Union shall not be liable in any suit or other legal proceeding in any Civil Court in respect of any tortious act done in contemplation or furtherance of a trade dispute by an agent of the Trade Union if it is proved that such person acted without the knowledge of or contrary to express instructions given by, the executive of the Trade Union.

Enforceability of agreements.

18. Notwithstanding anything contained in any other law for the time being in force, an agreement between the members of a registered Trade Union shall not be void or voidable merely by reason of the fact that any of the objects of the agreement are in restraint of trade :

Provided that nothing in this Section shall enable any Civil Court to entertain any legal proceeding instituted for the express purpose of enforcing or recovering damages for the breach of any agreement concerning the conditions on which any members of a Trade Union shall or shall not sell their goods, transact business, work, employ or be employed.

Right to inspect books of Trade Unions.

19. The account books of a registered Union and the list of members thereof shall be open to inspection by an officer or member of the Trade Union at such times as may be provided for in the rules of the Trade Union.

Rights of minors to membership of Trade Union.

20. Any person who has attained the age of fifteen years may be a member of a registered Trade Union subject to any rules of the Trade Union to the contrary, and may subject as aforesaid enjoy all the rights of a member and execute all instruments and give all acquittance necessary to be executed or given under the rules :

Provided that no person who has not attained the age of eighteen years shall be an officer of any such Trade Union.

Proportion of officers to be connected with the industry.

21. Not less than three-fourths of the total number of the officers of every registered Trade Union shall be persons actually engaged or employed in any trade or business with which the Trade Union is connected :

Provided that Our Government may, by special or general order, declare that the provisions of this Section shall not apply to any Trade Union or class of Trade Unions specified in the order.

Change of name.

22. Any registered Trade Union may, with the consent of not less than two thirds of the total number of its members and subject to the provisions of Section 24 change its name.

Amalgamation of Trade Unions.

23. Any two or more registered Trade Unions may become amalgamated together as one Trade Union with or without dissolution or division of funds of such Trade Unions or either or any of them, provided that the votes of at least one half of the members of each or every such Trade Union entitled to vote are recorded, and that at least sixty per cent. of the votes recorded are in favour of the proposal.

24. (1) Notice in writing of every change of name and of every amalgamation signed, in the case of a change of name, by the Secretary and by seven members of the Trade Union changing its name and, in the case of an amalgamation, by the Secretary and by seven members of each and every Trade Union which is party thereto, shall be sent to the Registrar, and where the head office of the amalgamated Tade Union is situated in a place for which there is a different Registrar to the Registrar of that place.

Notice of change of name or amalgamation.

(2) If the proposed name is identical with that by which any other existing Trade Union has been registered or, in the opinion of the Registrar so nearly resembles such name as to be likely to deceive the public or the members of either Trade Union, the Registrar shall refuse to register the change of name.

(3) Save as provided in sub-section (2), the Registrar shall, if he is satisfied that the provisions of this Regulation in respect of change of name have been complied with, register the change of name in the register referred to in Section 8, and the change of name shall have effect from the date of such registration.

(4) The Registrar of the place in which the head office of the amalgamated Trade Union is situated shall, if he is satisfied that the provisions of the Regulation in respect of amalgamation have been complied with and that the Trade Union formed thereby is entitled to registration under Section 6, register the Trade Union in the manner provided in Section 8, and the amalgamation shall have effect from the date of such registration.

25. (1) The change in the name of registered Trade Union shall not affect any rights or obligations of the Trade Union or render defective any legal proceeding by or against the Trade Union and any legal proceeding which might have been continued or commenced by or against by its former name may be continued or commenced by or against it by its new name.

Effects of change of name and of amalgamation.

(2) An amalgamation of two or more registered Trade Unions shall not prejudice any right of such Trade Unions or any right of a creditor of any of them.

26. (1) When a registered Trade Union is dissolved, notice of the dissolution signed by seven members and by the Secretary of the Trade Union shall, within fourteen days of the dissolution be sent to the Registrar and shall be registered by him if he is satisfied that the dissolution has been effected in accordance with the rules of the Trade Union, and the dissolution shall have effect from the date of such registration.

Dissolution.

(2) Where the dissolution of a registered Trade Union has been registered and the rules of the Trade Union do not provide for the distribution of funds of the Trade Union on dissolution, the Registrar shall divide the funds amongst the members in such manner as may be prescribed.

27. (1) There shall be sent annually to the Registrar, on or before such date as may be prescribed, a general statement, audited in the prescribed manner, of all receipts and expenditure of every registered Trade Union during the year ending on the last day of Karkatakam next preceding such prescribed date, and of the assets and liabilities of the Trade Union existing on such last day of Karkatakam. The statement shall be prepared in such form and shall comprise such particulars as may be prescribed.

Returns.

(2) Together with the general statement there shall be sent to the Registrar a statement showing all changes of officers made by the Trade Union during the year to which the general statement refers, together also with a copy of the rules of the Trade Union corrected up to the date of the despatch thereof to the Registrar.

(3) A copy of every alteration made in the rules of a registered Trade Union shall be sent to the Registrar within fifteen days of the making of the alteration.

CHAPTFR IV.

Rules.

Power to make rules.

28. (1) Our Government may make rules for the purpose of carrying into effect the provisions of this Regulation ;

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the manner in which Trade Unions and the rules of Trade Unions shall be registered and the fees payable on registration ;

(b) the transfer of registration in the case of any registered Trade Union which has changed its head office from one place to another ;

(c) the manner in which, and the qualifications of persons by whom the accounts of registered Trade Unions or of any class of such Unions shall be audited ;

(d) the conditions subject to which inspection of documents kept by the Registrar shall be allowed and the fees which shall be chargeable in respect of such inspections ;

(e) the powers, duties and functions of the Registrar or Registrars and the relationship between the various Registrars when there are more than one Registrar ; and

(f) any matter which is to be or may be prescribed.

Publication of rules.

29. (1) The power to make rules conferred by Section 28 is subject to the condition of the rules being made after previous publication.

(2) The date to be specified in accordance with clause (c) of Section 6 of the Travancore General Clauses Regulation of 1072, as that at or after which a draft of rules proposed to be made will be taken into consideration shall not be less than three months from the date on which the draft of the proposed rules was published.

(3) Rules so made shall be published in Our Government Gazette and on such publication shall have effect as if enacted in this Regulation.

CHAPTER V.

Penalties and Procedure.

Penalties.

30 (1) Whoever forms any Trade Union in contravention of the provisions of Section 14, sub-section (2), or takes any part in the functions of any Trade Union so formed knowing or having reason to believe that it has been so formed shall for every such act be punishable with fine which may extend to five hundred rupees.

(2) If default is made on the part of any registered Trade Union in giving any notice or sending any statement or other document as required by or under any provision of this Regulation, every officer or other person bound

by the rules of the Trade Union to give or send the same, or, if there is no such officer or person, every member of the executive of the Trade Union, shall be punishable with fine which may extend to five rupees and in the case of continuing default with an additional fine which may extend to five rupees for each week after the first during which the default continues.

Provided that the aggregate fine shall not exceed fifty rupees

(3) Any person who wilfully makes or causes to be made, any false entry in, or any omission from the general statement required by Section 27 or in or from any copy of rules or of alterations of rules sent to the Registrar under that Section, shall be punishable with fine which may extend to five hundred rupees.

Supplying false information regarding Trade Unions.

31. Any person who, with intent to deceive, gives to any member of a registered Trade Union or to any person intending or applying to become a member of such Trade Union any document purporting to be a copy of the rules of the Trade Union or of any alterations to the same which he knows, or has reason to believe is not a correct copy of such rules or alterations as or for the time being in force, or any person who, with the like intent, gives a copy of any rules of an unregistered Trade Union to any person on the pretence that such rules are the rules of a registered Trade Union, shall be punishable with fine which may extend to two hundred rupees.

Cognisance of offences

32. (1) No court inferior to that of a Magistrate of the First Class shall try any offence under this Regulation.

(2) No court shall take cognisance of any offence under this Regulation, unless complaint thereof has been made by, or with the previous sanction of, the Registrar, or, in the case of an offence under Section 31, by the person to whom the copy was given, within six months of the date on which the offence is alleged to have been committed.

Annexure II.

THE TRAVANCORE COMPENSATION FOR IMPROVEMENTS BILL.

(AS PASSED BY THE SRI MULAM ASSEMBLY.)

Preamble.

Whereas it is expedient to enact a law to regulate the valuation of improvements on immovable property in Travancore; It is hereby enacted as follows: -

Short title and extent.

1. This Regulation shall be called 'The Travancore Compensation for Improvements Regulation' and shall come into force at once throughout Travancore.

Definitions.

2. In this Regulation, unless there is something repugnant in the subject or context,

(i) "Holder" means a person who holds another person's land in his possession;

(ii) "Holding" means a parcel or parcels of land in the possession of a holder as such;

(iii) "Improvement" means any work including its product which is suitable to the holding and consistent with the conditions on which it is based, by which the value of the holding has been and continue tos be increased and which if not executed on the holding is either executed directly for its benefit or is, after execution, made directly beneficial to it.

Explanation I.—Until the contrary is shown, the following shall *inter alia* be presumed to be improvements, namely:—

(*a*) the construction of tanks, wells and other works for the storage or supply of water for agricultural or domestic purposes;

(*b*) the construction of works for drainage or for protection against floods;

(*c*) the planting of trees;

(*d*) the reclaiming, enclosing, levelling, terracing of land and other works of a like nature for agricultural purposes;

(*e*) the erection of farm buildings, dwelling houses, cattle-sheds or other structures or permanent walls (including *kayalas*); and

(*f*) the renewal or reconstruction of any of the foregoing works or such alterations or additions thereto as permanently increase their value, but are not of the nature of mere repair.

It does not, however, include such clearances, embankments, levellings, enclosures, temporary wells and water channels as are made by holders in the ordinary course of cultivation or any other benefit accruing to land from the ordinary operations of husbandry.

Explanation II—A work executed by a holder is not an "improvement" if it substantially diminishes the value of any other part of the holding.

(iv) "Compensation" means the amount payable to a holder on account of the value of the improvements on the holding;

(v) "*Jenmikoor*" means the amount claimable by the proprietor of a holding as his share of the value of improvements on such holding.

When compensation not payable.

3. No compensation shall be payable:—

(*a*) to a trespasser not claiming under a title or claiming under a title which is invalid and which such trespasser either knew to be Invalid or by the exercise of due care and caution might have known to be invalid; or

(*b*) on account of trees of spontaneous growth or on account of cultivation which would not add to the letting value of the land; or

(*c*) in regard to buildings, tanks, wells or walls unsuitable to the holding or unnecessary for its enjoyment; or

(*d*) where the improvements have been effected in spite of any prohibition against making the improvements with a view to defeat or delay any right to recover the holding; or

(*e*) for the conversion without the consent, express or implied, of the proprietor of dry land into wet land or wet land into dry land made, after the passing of this Regulation, without the consent of the proprietor.;

Explanation. -Trees of any class not assessed to revenue in any locality at the last Land Revenue Settlement shall, until the contrary is proved, be deemed to be trees of spontaneous growth in that locality.

Improvements now valued.

4, (*a*) The annua letting value (hereinafter called *pattam*) of fruit bearing trees such as *e g.* cocoanut trees, arecanut trees and jack trees shall be the basis for calculating the value of such trees as improvements.

(*b*) Three-fourths of the total annual yield of such trees shall be taken as the gross produce of such trees. Three-fourths of the value of such gross produce shall be deemed to be the *pattam* of such trees.

(*c*) The value of such trees as improvements shall be the *pattam* capitalised at eight and one-third year's purchase, provided that, in the case of trees that may not continue to yield for eight and one-third years from the date of determining the value, the value shall be the total *pattam* for one-half of the number of years that the trees continue to yield.

(*d*) In the absence of any local custom or contract to the contrary, three-fourths of the value of improvements as determined under the provisions of clause (*c*) shall be the compensation payable to the holder and the remainder shall be the *jenmikoor* due to the proprietor.

(*e*) The yield shall be valued at the market rate prevailing in the locality at the time of the determination of the compensation.

Assessment of annual yield.

5. Where the annual yield of cocoanuts from cocoanut trees is estimated by counting the total number of nuts, mature and immature, found on the trees, at any given time, not less than one third of of such total number shall be deducted for sheddings.

Compensation for non bearing trees.

6. In the case of non-bearing trees of the classes mentioned in Section 4, the compensation payable to the holder shall be the full value in respect of pit plants or saplings planted by him if they are not more than one year old and shall be three fourths of their full value in respect of trees which are above that age but have not reached the fruit bearing stage.

7. In the case of bearing pepper vines, the compensation shall be the value of three-fourths of their yield capitalized at three years' purchase. In the case of pepper-vines that would cease bearing within three years from the date of the determination of the compensation or have at such date ceased to bear no compensation shall be payable.

Compensation for pepper-vine.

8. No compensation shall be payable for any *kayalas* or other walls which are such as are likely to be washed down or damaged by periodical rains or so put up as to divide the holding into needless plots and sub-plots or so incomplete as to serve no useful purpose.

Compensation for *kayala* walls.

9. In determining the value of buildings as improvements. they shall be valued as they exist at the time of the determination.

Valuation of buildings.

Explanation--A reasonable reduction on account of the age of the buildings shall also be made whenever necessary.

10. Subject to the provisions of the Code of Civil Procedure, 1100 relating to pleadings where a holder claims compensation in any suit or proceeding before a civil court but has not already specified particulars of the improvements, the court may and if the opposite party moves for it, the court shall, order the holder to specify the particulars of the improvements such as the various items! share value as estimated by him and other material particulars which would enable the court to determine the compensation. The opposite party shall be called upon to answer the statement of particulars so filed.

Claim for compensation for improvements.

11. The High Court may from time to time make rules applicable to the whole State or any local area for the appointment of assessors in enquiries regarding determination of compensation before courts, the mode of selecting them the remuneration payable to them difference of and the procedure to be followed in case of opinion between the court and one or more of such assessors. Such rules shall be published in Our Government Gazette.

Rules for the appointment of assessors.

12. Notwithstanding anything contained in the Code of Civil Procedure 1100, no compensation shall be paid on account of improvements effected on any holding after the passing of a decree for the recovery of such holding except when such improvements are made with the permission of the court which passed the decree, Such permission may be granted or refused on a consideration of the balance of convenience and shall be refused wherever it appears to the court that such improvements are likely to defeat or delay the recovery of the holding.

Compensation for improvements after decree

13. Where cross demands like the payment of compensation, repayment of premium mortgage money, costs or any other amounts in favour of one party and the payment of arrears of rent, *michavaram*, damages, mesne profits, costs or any other amounts in favour of the opposite party, arise under a decree for recovery of a holding, the court executing the decree shall, on application made to it, set off the amounts due to the

Adjustment of Compensation.

party entitled to recover the holding against what is due to the other party and shall direct the recovery of the holding on deposit of the balance, if any, found due from such party. Where the balance, if any, is in favour of the party entitled to recover the holding, recovery of the holding shall be directed unconditionally and execution shall be allowed for the realisation of what remains due.

Saving clause.

14. Nothing in this Regulation shall affect the operation of any local custom, or contract as regards questions relating to value payable on account of improvements

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